

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Criminal Action
) No. 09-10017-GAO
)
TAREK MEHANNA,)
)
Defendant.)
)

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

DAY TWENTY-TWO
JURY TRIAL

John J. Moakley United States Courthouse
Courtroom No. 9
One Courthouse Way
Boston, Massachusetts 02210
Monday, November 28, 2011
9:18 a.m.

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Cheryl Dahlstrom, RMR, CRR
Official Court Reporters
John J. Moakley U.S. Courthouse
One Courthouse Way, Room 3510
Boston, Massachusetts 02210
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Mechanical Steno - Computer-Aided Transcript

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E X H I B I T S

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1A	Translation of portion of Exhibit No. 1		35
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14A	Translation of portion of Exhibit No. 14		36
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16A	Translation of Portion of Exhibit No. 16		38
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32A	Translation of screen shot		41
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1 (The following proceedings were held in open court
2 before the Honorable George A. O'Toole, Jr., United States
3 District Judge, United States District Court, District of
4 Massachusetts, at the John J. Moakley United States Courthouse,
5 One Courthouse Way, Boston, Massachusetts, on November 28,
6 2011.

7 The defendant, Tarek Mehanna, is present with counsel.
8 Assistant U.S. Attorneys Aloke Chakravarty and Jeffrey Auerhahn
9 are present, along with Jeffrey D. Groharing, Trial Attorney,
00:21 10 U.S. Department of Justice, National Security Division.)

11 THE CLERK: All rise for the Court and the jury.

12 (The Court and jury enter the courtroom at 9:18 a.m.)

13 THE CLERK: Please be seated.

14 THE COURT: Good morning, jurors.

15 THE JURORS: Good morning.

16 THE COURT: I hope you had a lovely weekend.

17 Mr. Auerhahn?

18 MR. AUERHAHN: Thank you, your Honor.

19 DANIEL GENCK, resumed

00:31 20 CONTINUED DIRECT EXAMINATION

21 BY MR. AUERHAHN:

22 Q. Good morning, sir.

23 A. Good morning.

24 MR. AUERHAHN: Can we bring up Exhibit 502, please?

25 Q. And, sir, does this appear to be a chat session between

1 the defendant and Abu Mu'ndhir on February 5, 2006?

2 A. Yes, it is.

3 Q. I'll read the defendant's part; if you could please read
4 Mr. Mu'ndhir's. And if you could read the translation of the
5 Arabic. "Peace be upon you, dude."

6 A. "Peace be upon you."

7 Q. "What is the link on the Arabic forums for the translated
8 GUH?"

9 A. "Do you have access to them?"

00:32 10 Q. And do you recognize GUH as an abbreviation for Ghazwah
11 Umar Hadeed?

12 A. Yes, I do.

13 Q. That's the "Expedition of Umar Hadeed"?

14 A. That's correct.

15 Q. "Well, no, but a friend does."

16 A. "Okay, one sec."

17 Q. "Al Hisbah, et cetera."

18 A. Then a link is shared to alheasbah.org. Two of them,
19 rather.

00:32 20 Q. And then a second link?

21 A. Correct.

22 Q. "Do you have any log-in info for me, man?"

23 A. "The one I'm using on al-Hesbah I can't share. It's not
24 mine. Ekhlaas, I can. It's mine."

25 Q. "Dag. Okay."

1 A. "Abu Mansur al-Azdi. Toyota is the pass."

2 MR. AUERHAHN: Next page, please?

3 Q. Continue, please?

4 A. "I mean not Toyota, but you know what I mean."

5 Q. "The bro in Egypt who was in the land of the two flowing
6 rivers. He was really happy to hear of the translation."

7 A. "Praise be to Allah," and a smiley face.

8 Q. And then does the discussion continue a short time later?

9 A. Yes, it does.

00:33 10 Q. Can you continue reading, please?

11 A. "Brother, there?"

12 Q. "Yea, yo."

13 A. "What do you think of doing the Abu Anas As Shamee video
14 in English?"

15 Q. "You mean his bio?"

16 A. "Yeah, bio video."

17 Q. "Asad al rafdn, 'The Lion of the Two Flowing Rivers'?"

18 A. "Yeah."

19 Q. "Heck yeah, man. People love biography."

00:33 20 A. "Exactly. Because I was showing those guys the videos
21 yesterday and they were like talking about the khattab, how
22 they watched it like ten times. So I was thinking Abu Anas'
23 one is pretty inspirational 'cause he talks about himself
24 instead of people talking for him."

25 Q. "And it shows him making supplication."

1 A. "Yeah."

2 Q. "Good idea, bro. Excellent next project."

3 MR. AUERHAHN: Next page, please?

4 A. "Yeah, 'cause I know a bro has already done wa yakoon and
5 it will be in English, and he gave it to us but requires heavy
6 editing. So if we do the Abu Anas, it's as if we did all their
7 videos with the exception of 'Winds of Victory.'"

8 Q. "Okay. I think the Abu Anas takes precedence 'cause the
9 wa yakun -- and it will be very similar to GUH."

00:34 10 A. "Yeah."

11 Q. "Okay. So can a bro transcribe it?"

12 A. "Yeah. I will get someone to, Allah willing."

13 Q. "Awesome. Then we can send it to prof personally."

14 A. "Laugh out loud."

15 Q. "Hey, dude, I just sent the bro an audio with Z. So I
16 told him, 'Here is something with ash-Shaykh al-Dhabbaah,' so
17 he told me that when I called him that he laughed so hard that
18 he cried."

19 A. "Hehe."

00:35 20 Q. "He told me to send GUH to CNN."

21 A. "Haha. What about Fox? Get more dramatic coverage on
22 there."

23 MR. AUERHAHN: Next page, please?

24 Q. "Hehe. Yeah. Friggin' homos."

25 A. "Laugh out loud."

1 Q. "O'Reilly would wet his panties."

2 A. "Hehe."

3 Q. "'Minutes ago: Kandahar, Afghanistan. A land mine ripped
4 through a police vehicle, killing six officers and wounding
5 four in the latest of a wave of attacks that have rocked
6 southern Afghanistan, officials said Sunday.

7 "'The Blast late Saturday in Kandahar province came after
8 48 hours of bloodshed that left 38 people dead as hundreds of
9 Afghan and U.S. forces battled some 200 militants in the
00:35 10 biggest fighting in months.'"

11 A. "Laugh out loud. Things are getting nice there. I read
12 one article that a whole battalion was donated from Z to
13 there."

14 Q. "Hey, yeah. I believe it, man. They like their
15 sacrificed meal a little spicier.

16 "Okay, bro. I'm going to catch some sleep. Talk to you
17 soon. Peace be upon you."

18 A. "Allah willing. Peace be upon you."

19 MR. AUERHAHN: May we have the next exhibit, 503,
00:36 20 please?

21 Q. And does this appear to be a chat session between the same
22 two men on February 5th -- same day -- 2006?

23 A. Yes.

24 MR. AUERHAHN: Go to the next page, please?

25 Q. If you can read Mr. Mu'ndhir's parts, please?

1 A. "Still got access to ekhlaas?"

2 Q. "With the password you gave me?"

3 A. "Yeah."

4 Q. "Yeah."

5 A. Then a link is shared.

6 "Check it out. It's on al-Hesbah also."

7 Q. "Damn straight."

8 A. "Hehe. We're pretty popular so we have to continue this,"
9 smiley face.

00:36 10 Q. "Yup. Maybe one day" --

11 A. I just --

12 Q. -- "there will be" --

13 A. -- "hope JUS doesn't see this."

14 Q. -- "a Tibyan brigade."

15 A. "Laugh out loud. That's what I was. Me and Khubayb were
16 talked about we just need armed wing now. Hehe."

17 MR. AUERHAHN: Can we bring up Exhibit 586, please?

18 Q. And does this appear to be a chat session between the
19 defendant and Ahmad Abousamra on April 4, 2006?

00:37 20 A. Yes, it is.

21 Q. Would you read Mr. Abousamra's?

22 A. "Hey, at the end of that song they sing in the uhadid vid,
23 the one in the Iraqi accent" --

24 Q. "Yeah?"

25 A. -- "IRA police, et cetera, I can't understand what they

1 are saying in the very last line, after the word 'civilian.'
2 Do you know what they are saying?"

3 Q. "One sec."

4 A. "I know the first two words, 'Trade Towers'-----rubbles.
5 So it is those two words. I guessed 'extent' and 'pile.'
6 'Koma' is the slang for 'a lot.' They use it in parts of Syria
7 and IR."

8 Q. "Yeah, 'kom' is one of the words" --

9 MR. AUERHAHN: Next page, please?

00:38 10 Q. -- "'cause it was translated as 'pile.' I can't recall
11 the word before it."

12 A. "Why don't they make a song where they just repeat,
13 'Whoever does not claim the infidel as an infidel is an infidel
14 himself' over and over?"

15 Q. "Because no one is that cool."

16 A. "They should make a song where the intro is the sound of
17 women screaming from being raped, and then it goes into a long
18 song about the process, something like ibnulqayyim-ish in
19 wording."

00:38 20 Q. "Oh, man. That would be like -- it would lead to AQ's
21 membership increasing one billion fold."

22 A. "Hahaha. Laugh out loud. Ha. Then Rums would have to
23 come on TV again and say, 'We are losing to AQ's propaganda
24 machine.'"

25 MR. AUERHAHN: May I have Exhibit 512, please?

1 Q. And does this appear to be a chat session between
2 Mr. Mu'ndhir and the defendant on March 8, 2006?

3 A. Yes, it is.

4 Q. If you could read Mr. Mu'ndhir's parts, please?

5 A. "Peace be upon you."

6 Q. "Peace be upon you."

7 A. "How are you?"

8 Q. "Y."

9 A. "Brother, do you have the Hollywood film 'And the Religion
00:39 10 Will Be'?"

11 Q. And in Arabic that's "wa yakoon ad deen"?

12 A. Correct.

13 Q. Okay. "Yes."

14 A. Okay.

15 Q. "Starring 'The Slicer'?"

16 A. "Can you just go through that and edit what needs to be
17 edited?"

18 Q. "What do you mean?"

19 A. "Press 'accept,' you'll see."

00:39 20 Q. "Accept what?"

21 A. "Waiting for -- to accept the file."

22 Q. And the file's name is WaYakoon.doc. Is that correct?

23 A. That's correct; yes.

24 Q. And if you could continue?

25 A. "You're not getting it?"

1 Q. "Nothing, man."

2 A. "One sec. Now?"

3 Q. "Hehe. Nothing, man. Just usendit."

4 A. "Okay."

5 MR. AUERHAHN: Next page?

6 A. And then something is sent on YouSendIt.com.

7 "Did you get it?"

8 Q. "Yes."

9 A. "K."

00:39 10 Q. Now, there was a reference here to a WaYakoon.doc?

11 A. Correct.

12 MR. AUERHAHN: Can we bring up Exhibit 782, which was
13 a doc file found on the defendant's computer in 2006?

14 Q. And this appears to be Wa Yakon. Is that correct?

15 A. Yes, it is.

16 Q. And could you read that part in red?

17 A. "Dear brother, I have translated the full video of Wa

18 Yakon Ad-deen Kulouhu Lil'ah. Some sentences will not be

19 grammatically correct. This is due to the fact that the

00:40 20 translation is the translation of speech and not text, and so

21 the grammatical errors will be negligible when the translation
22 is turned into subtitles."

23 Q. Okay. So this appears to be the words of a video?

24 A. Yes; that is correct.

25 Q. And could you read the part that I've enlarged?

1 A. "The scholars have agreed that assisting the kuffaar
2 against the Muslims is an act of major disbelief. Which takes
3 one outside the fold of the religion; it is accounted in the
4 ten nullifiers of Islam. Without differentiating whether the
5 kafir allied with is a Roman or Arab, ruling or be-ruled, for
6 verily assisting America and the apostate government of Allawi
7 in their killing of Muslims, is an act of major disbelief
8 talking one outside the fold of the religion. And in this
9 alliance come those companies (assisting America and the
00:41 10 government of Iraq) and workers who transport food, fuel,
11 ammunition, supplies, and any other needs (for the armies of
12 disbelief). For all he who helps, aids and assists them in any
13 form of assistance has become an apostate, and therefore, it
14 becomes an obligation to fight him.

15 "The Organization of al Qa'ida in the land of Iraq, the
16 Media Front presents."

17 MR. AUERHAHN: Next page, please.

18 Q. And does this headnote say "Bagdad March 2003"?

19 A. Yes, it does.

00:41 20 Q. Would you read that section, please?

21 A. "Ar-Ramadi martyrdom operations: The operation caused the
22 death of more than 20 American soldiers.

23 "Exploding an American vehicle: As-saqilaawiah, the
24 brigade of Shaykh Abdul'Jalil Al-Heeit.

25 "Targeting an American vehicle: Al-Yusifiyah, the brigade

1 of al-Qasaam.

2 "Destroying an American truck: Al-Yusifiyah, the brigade
3 of Al-Qasaam.

4 "The mujahideen have ignited the land of Iraq in flames
5 that smoulder the enemy with its blaze and have executed a
6 series of operations that were truly an expand to the
7 magnificent history of the Ummah."

8 MR. AUERHAHN: Next page, please?

9 Q. And does this appear to be a quote from Shaykh Abu Musaab
00:42 10 al-Zarqawi?

11 A. Yes, it is.

12 Q. And is there a series of references to various martyrdom
13 operations resulting in the death of American soldiers?

14 A. Yes, there are.

15 Q. Here's a second one? And a third one?

16 A. Correct.

17 Q. And does this last paragraph state, "To preserve the
18 American blood, expensive in price, dear in value. The
19 American soldier has proved that he is the weakest and most
00:43 20 cowardly being, becoming an easy target for the swords and the
21 mujahideen which are harvesting from them their heads"?

22 A. Yes; that's correct.

23 MR. AUERHAHN: Next page, please?

24 Q. Could you read that paragraph, please?

25 A. "America, in her war with Islam in the land of Iraq, has

1 been dependent on two types of apostates who fight Allah, his
2 prophet and the believers. As for the first type, they vary
3 from truck drivers, contractors and translators for they have
4 acquainted themselves to be obedient slaves and humiliated
5 laborers for the Jews and crusaders. Still, yet they taste
6 from the chalice of death by the hands of the Mujahideen."

7 MR. AUERHAHN: Could you finally go to page 10,
8 please.

9 Q. Could you read that at the end of the document?

00:44 10 A. "Do not forget us from the finest of your du'ah, your
11 brothers in the media branch, the organization of al Qa'ida, in
12 the land of Iraq."

13 MR. AUERHAHN: Could we bring up Exhibit 511, please?

14 Q. Does this again appear to be a chat session between the
15 defendant and Abu Mu'ndhir on March 7, 2006?

16 A. Yes, it is.

17 MR. AUERHAHN: Could we go to the second page, please?

18 Q. Can you start reading with "GUH is popular"?

19 A. "GUH is popular, hum? I was thinking about it today, how
00:44 20 popular the English version is, laugh out loud."

21 Q. "Praise be to Allah."

22 MR. AUERHAHN: Next page, please?

23 Q. "I just hope it leads to action."

24 A. "Yeah, Allah willing."

25 Q. "Not just let's watch it and then go eat some pizza."

1 A. "Laugh out loud."

2 Q. "You know, we haven't done one from Khursan."

3 A. "There's nothing though that's good in words. It's mostly
4 action-packed except for the speech by lib in shenk 2 when he
5 talks about there is no God but Allah, that it's a method, et
6 cetera."

7 Q. "Yeah..."

8 A. "But I told you that one where he talks about Z should
9 have been" --

00:45 10 Q. "Found it, nice."

11 A. -- "cool."

12 Q. "The 'Messengers Tested' vid was too much effort" --

13 A. "Laugh out loud."

14 Q. -- "compared to GUH."

15 A. "Dude, I think that's mad popular, though, laugh out loud,
16 'cause it's the first vid of him, and it's an original tampon."

17 Q. "Yeah."

18 MR. AUERHAHN: Exhibit 536, please?

19 Q. And does this appear to be a chat between the defendant
00:45 20 and someone named Abu Sulayman ash-Shami on March 17, 2006?

21 A. Yes, it is.

22 MR. AUERHAHN: Could we go to page 2, please?

23 Q. I'll read the defendant's part. "I want to do stuff that
24 is directly related to bros and sis's in the west."

25 A. "Yeah."

1 Q. "See, brother, I am kind of worried that many brothers
2 read the stuff about over there that we do and then
3 subconsciously think that they've done their part. Like they
4 read about the ruling on martyrdom operations, then they go eat
5 pizza."

6 A. "Laugh out loud. Yeah."

7 Q. "'Cause they don't see any part of it that they can apply
8 directly. Well, some might, but you know what I mean. Hehe."

9 A. Yeah.

00:46 10 MR. AUERHAHN: Exhibit 700, please.

11 Q. And does this appear to be a chat session between the
12 defendant and an individual named Nusrah on July 8, 2006?

13 A. Yes, it is.

14 MR. AUERHAHN: Can we go to page 5, please?

15 Q. "He never answered my question either as to whether or not
16 he had a legitimate excuse for not being in jail or in jihad."

17 A. "Yeah, he does. He is in jihad, brother. You don't know
18 him? He is a member of Tibyan. That's jihad's son."

19 Q. "Oh, yes, the jihad against the innovators. The jihad
00:47 20 against those who aren't in jihad."

21 A. "Yeah, in a salafi password forum, laugh out loud. It's
22 like going to your bathroom and bashing Shi'as. Just makes no
23 sense. I don't know, man. People these days, brother, they
24 think their statue goes up by watching the latest vids from
25 As-Sahab Media."

1 MR. AUERHAHN: And can we go to page 7, please?

2 A. "People that don't watch enough videos. Man, I swear" --

3 Q. "Ahahhahaha."

4 A. -- "that's their jihad."

5 Q. "Those videos" --

6 A. "Downloading" --

7 Q. -- "I stopped watching them."

8 A. -- "watching and dreaming about it."

9 Q. "All it does" --

00:48 10 A. "Just hype."

11 Q. -- "is make you feel either like you did something" --

12 A. "Haha. Bingo, son."

13 Q. -- "or like you're a pile of ----"

14 A. "Like you were the one who blew himself up or beheaded the
15 Jew. Losers."

16 Q. "You saw the Umar Hadid video?"

17 A. "Nope. Laugh out loud."

18 Q. "Good."

19 A. "I just don't have time, man."

00:48 20 Q. "No, I'm serious. Abu Sabaayaa" --

21 A. "They are all the same."

22 Q. -- "translated it. And after he did it asked himself,
23 'Okay. Now what?'"

24 A. "Translate more. Because more Salafi-Jihadis need their
25 jihadeeeeeeeos," winky face.

1 Q. "Hahaha."

2 A. "All right, brother. Good speaking to you, man. Allah
3 willing, next time we can meet and have some good old BBQ."

4 Q. "Lots of meat. Only meat."

5 A. "Laugh out loud."

6 Q. "No veggies."

7 A. "Meat juice."

8 Q. "No soy junk."

9 MR. AUERHAHN: Next page, please?

00:49 10 Q. Continue?

11 A. "Meat, salad, meat, buns, laugh out loud."

12 "All right, brother, I'm out to sleep and dream that I
13 just defeated a whole army because I watched a video and the
14 FBI don't know who I am," smiley face.

15 Q. "Hehehe haha."

16 A. "Peace be upon you," smiley face.

17 Q. "Peace be upon you. May Allah reward you for watching the
18 video."

19 A. "You too, brother. Laugh out loud."

00:49 20 Q. "You had intentions for martyrdom as soon as you hit
21 'play.'"

22 A. "And I slow-motioned it too."

23 Q. "It's amazing you were able to dodge that mortar round" --

24 A. "I know, man. I had to rewind it."

25 Q. -- "considering how close you were to the screen."

1 A. "So I can see where it will fall. But praise be to Allah,
2 my speakers were off."

3 Q. "God bless."

4 A. "But the bro next to me had it on all the way."

5 Q. "Allah protects his servants."

6 A. "May Allah reward his ears."

7 Q. "Glory be to Allah. Usama would be proud."

8 A. "To have a soldier like me."

9 Q. "Hehe. Man, make supplication."

00:50 10 A. "But my AC was off, laugh out loud."

11 MR. AUERHAHN: Can we bring up Exhibit 604, please?

12 Q. And does this appear to be a chat session between the
13 defendant and Ahmad Abousamra on June 22, 2006?

14 A. Yes, it is.

15 Q. Would you read Mr. Abousamra?

16 A. "So what happened with your dad?"

17 Q. "He just said no more khuthabs, sermons. And I have to
18 pack all my books and put them in the attic, except the
19 Qur'an."

00:50 20 A. "Don't listen. This is BS. I don't think you should
21 listen."

22 MS. BASSIL: Can we have the rest of that, the next
23 line read, please?

24 MR. AUERHAHN: Should I read it?

25 THE COURT: Well, I don't have it in front of me, but

1 it seems like a limited request.

2 BY MR. AUERHAHN:

3 Q. Continue, please.

4 A. "Your books? Your Islamic books?"

5 MS. BASSIL: He skipped the line I asked to be read,
6 your Honor.

7 MR. AUERHAHN: I'm sorry.

8 MS. BASSIL: If we can start back at "I don't think
9 you should listen," and then just the next line after that,
00:51 10 please?

11 MR. AUERHAHN: I'm sorry.

12 MS. BASSIL: Thank you.

13 BY MR. AUERHAHN:

14 Q. "I must."

15 A. "Your books? Your Islamic books? How will you practice
16 your religion" --

17 Q. "Yeah."

18 A. -- "if you have a question, ask your father?"

19 Q. "Hehe."

00:51 20 A. "Or the imam of going-astray of Sharon?"

21 Q. "Ask Muhiuddin" --

22 A. "I mean, that is something you need."

23 MS. BASSIL: I'm satisfied, your Honor.

24 BY MR. AUERHAHN:

25 Q. -- "since he knows how to propagate Islam. I mean, giving

1 up."

2 A. "You need your books. Dude, this is stupid. I hate these
3 adults."

4 Q. "Ah, well, dude."

5 A. "You can't just give up."

6 Q. "I'm not."

7 A. "If your dad said abandon the religion of Ibrahim."

8 Q. "I'm being smart. If I resist too much now he'll make it
9 worse."

00:52 10 A. "By not showing animosity."

11 Q. "If I pretend to agree, he will cool off" --

12 MR. AUERHAHN: Next page, please?

13 A. "You can't just obey it."

14 Q. -- "and change his mind."

15 A. "He's asking you to abandon giving sermons."

16 Q. "I know him."

17 A. "That means one person who should give sermon in light of
18 the fact that 99 percent of the Muslims here should not,
19 because they are deviant or ignorant."

00:52 20 Q. "I know. But like I said, if I argue with him, he'll just
21 get more mad and make it worse. I will just pretend to agree
22 and he will forget about it. He does this a lot."

23 MR. AUERHAHN: Let me have Exhibit 603, please.

24 Q. Does this appear to be a chat between the same two men on
25 June 12, 2006?

1 A. Yes, it is.

2 MR. AUERHAHN: Can we have page 3, please?

3 Q. "Check out this clip." Then a link is sent. "Near the
4 start it has a clip of Hadrami walking. I've never seen it
5 before. Just wearing a kufi."

6 A. "He seems to respect international orgs like the Arab body
7 of whatever."

8 Q. "No surprise."

9 A. "'It's about time Muslims owned up to the fact it's a
00:53 10 Muslim problem," says Farzana Hassan-Shadid of the Canadian
11 Muslim Congress, adding that she believes the community must
12 forcefully denounce extremism. "We need to be more proactive
13 rather than issue statements of condemnation."'"

14 Q. "She needs to be raped with a broomstick."

15 A. "Laugh out loud."

16 MR. AUERHAHN: Exhibit 705, please?

17 Q. And does this appear to be a chat between the defendant
18 and someone named Taimur on February 28, 2006?

19 A. Yes, it is.

00:54 20 MR. AUERHAHN: Can we go to page 2, please?

21 Q. Could you start with "I'm listening to heros"?

22 A. "I'm listening to heros of Islam right now. I advertised
23 Constants on YM forums, hehe."

24 Q. "Allah willing, one day me and you can join the victorious
25 sect."

1 A. "And told all the brothers to listen to it, Allah willing.
2 Well, I am going to Pakistan this summer, laugh out loud,
3 joke."

4 Q. "Hehe."

5 A. "Can there be a political or intellectual jihad?"

6 Q. "Yes, but the form that is the highest is, well, you
7 know."

8 A. "You know the Hadith, messenger of Allah, peace and
9 blessings be upon him, said 'The best of jihad is the one who
00:55 10 stands up to the tyrants.'"

11 Q. "Yes. Do you know why? Do you know why this is the
12 best?"

13 A. "It's the hardest?"

14 Q. "Because generally when a Muslim stands up to a tyrant
15 like this, the tyrant ends up killing him, so he attains
16 martyrdom."

17 A. "Yeah, exactly. Glory be to Allah."

18 MR. AUERHAHN: Exhibit 712, please?

19 Q. And does this appear to be a chat session between the same
00:55 20 two men on February 24, 2006?

21 A. March 24, 2006.

22 Q. I'm sorry.

23 A. Yes; that's correct.

24 Q. Thank you for correcting me, March 24th.

25 A. Any time.

1 MR. AUERHAHN: Next page, please.

2 Q. Can you read Taimur?

3 A. "Every day there is another attack on Islam."

4 Q. "Dude, I really stopped caring about the media and their
5 attacks."

6 A. "Yeah, true."

7 Q. "RPGs speak louder than words. They attack with their
8 words, the mujahideen respond in their own way."

9 Sir, are you familiar with the initials RPG?

00:56 10 A. Yes, I am.

11 Q. What is an RPG?

12 A. It's a rocket-propelled grenade.

13 MR. AUERHAHN: And can we have Exhibit 685, please?

14 Q. Does this appear to be a chat between the defendant and
15 someone named Ihab on June 28, 2006?

16 A. Yes, it is.

17 Q. Okay. After greetings are exchanged, if you could read
18 Ihab.

19 A. "Haha. Gay dragon. Big difference."

00:56 20 Q. "May Allah protect you."

21 A. "What do you think of the book 'The Truth About the
22 Crusades'?"

23 Q. "It's a masterpiece."

24 A. "So you agree with the evidence?"

25 Q. "I think he presented it in a convincing way. Yes. And

1 nobody has been able to refute it until now."

2 A. "Well, why did you speak against it when I asked you
3 before?"

4 Q. "I didn't speak against it, I just didn't speak for it."

5 A. Winky face, "Yah, right."

6 Q. "Well, at the time I remember saying that it is haram," or
7 "killing of the innocent is unlawful. And it is. But I never
8 said who is considered innocent," smiley face.

9 MR. AUERHAHN: No further questions, your Honor.

00:57 10 MS. BASSIL: I just have a few questions.

11 Could we have Exhibit 215, please? And page 61.

12 MR. BRUEMMER: I'm sorry?

13 MS. BASSIL: Page 61. Is that not it?

14 Your Honor, I'm going to use the -- I think I kind of
15 messed that up, but I'm going to use the ELMO on that, your
16 Honor. I thought this was Exhibit 215.

17 CROSS-EXAMINATION

18 BY MS. BASSIL:

19 Q. Good morning, first of all.

00:58 20 A. Good morning, ma'am.

21 Q. Yes. Do you recall that you read a number of
22 documents -- you read something from at-Tibyan. Do you recall
23 reading that, "39 Ways," and pieces of it?

24 A. Yes, ma'am.

25 Q. And at the end of it there were a number of at-Tibyan

1 Publications releases. Do you remember reading that?

2 A. Yes; that's correct.

3 Q. And this is a list of some of the things that were there.
4 Is that right?

5 A. Yes, I believe it is.

6 Q. It says "audio," there's one page of articles, a second
7 page of articles, correct?

8 A. Yes.

9 Q. And there's nothing on that list that indicates who
00:58 10 translated them, correct?

11 A. I don't believe so. No, ma'am.

12 Q. All right.

13 MS. BASSIL: Now, if you would go to Exhibit 414,
14 please.

15 Q. This is -- I think you read this. This is a message
16 asking about translations, projects you are currently working
17 on. Do you see that?

18 A. Yes, ma'am.

19 Q. And again, it doesn't indicate whether Mr. Mehanna
00:59 20 translated any of those or a portion of those or anything of
21 that nature, correct?

22 A. No, ma'am. It's just a private message.

23 Q. It's just a request, correct, or a statement?

24 A. Yes.

25 Q. "Here are some of the projects which we are currently

1 working on," and it is sent -- it is a private message,
2 correct?

3 A. Yes.

4 Q. All right. Now, if we could have Exhibit 255.

5 THE COURT: Well, which do you want?

6 MS. BASSIL: Either one. They're both the same.

7 BY MS. BASSIL:

8 Q. If you would look at --

9 MS. BASSIL: If we could have the bottom portion blown
00:59 10 up a little bit? Thank you.

11 Q. This was a message sent from, I believe, Ibnul Khattab,
12 which you understand to be Tarek Mehanna, correct?

13 A. Correct.

14 Q. And in this he says, explicitly, "This is another article
15 I just translated for Tib-Pubs," correct?

16 A. Yes. Yes.

17 Q. And you understand that to be a Tibyan Publications,
18 correct?

19 A. Yes.

01:00 20 Q. And you did not read any other instant message in which he
21 explicitly said, "Here is an article I translated for
22 Tib-Pubs," or Tibyan Publications, correct?

23 A. No, I did not read any other.

24 MS. BASSIL: All right. And finally, if we could have
25 Exhibit 782.

1 Q. This was the Wa Yakon translation. And it is your
2 understanding, is it not, that this is not the -- this is not
3 Mr. Mehanna's translation but something that was sent to him.
4 Is that correct?

5 A. Yes. I believe it was found on his computer, correct.

6 Q. Correct?

7 A. Yes.

8 Q. And it was sent to him in the previous conversation that
9 you read today from, I believe, Abu Mu'ndhir?

01:01 10 A. Yes; I believe that's correct.

11 MS. BASSIL: Thank you. I have no further questions.

12 MR. AUERHAHN: No redirect, your Honor. Thank you.

13 THE COURT: All right, Mr. Genck. You may step down.

14 THE WITNESS: Thank you.

15 (The witness is excused.)

16 MR. CHAKRAVARTY: The government calls Leah Vallee.

17 THE COURT: Strictly speaking, the government re-calls
18 Ms. Vallee, correct?

19 You remain sworn from your previous testimony. You
01:01 20 may just resume.

21 LEAH VALLEE, resumed

22 THE WITNESS: Thank you.

23 THE COURT: For the record, would you just have the
24 witness identify herself?

25 CONTINUED DIRECT EXAMINATION

1 BY MR. CHAKRAVARTY:

2 Q. Good morning again.

3 A. Good morning.

4 Q. Please state and spell your name.

5 A. Leah Valle; L-E-A-H, last name V-A-L-L-E-E.

6 Q. And you're a linguist at the FBI?

7 A. Yes, I am.

8 Q. So when we last spoke in the court, I asked you to
9 identify a number of translations that have been submitted as
01:02 10 evidence. Today I'm going to focus on certain extensive
11 documents or other media which you did not at the time do a
12 verbatim translation for. But since that time have you now
13 done certain verbatim translations?

14 A. Yes.

15 Q. So I'm going to draw your attention to some of those.
16 Specifically, we'll call up Exhibit 1A, please?

17 MR. CHAKRAVARTY: Your Honor, since these have not yet
18 been introduced, perhaps just for the witness first?

19 THE COURT: For the witness?

01:03 20 BY MR. CHAKRAVARTY:

21 Q. And is this a translation that you did? A portion of a
22 verbatim translation of Exhibit 1?

23 A. Yes.

24 Q. And is it called "A Letter from Mullah 'Umar"?

25 A. Yes.

1 Q. And is this a fair and accurate translation of a portion
2 of that letter?

3 A. Yes.

4 MS. BASSIL: Objection, your Honor.

5 THE COURT: Let me see you briefly.

6 (Discussion at sidebar and out of the hearing of the
7 jury:)

8 MS. BASSIL: I'm just objecting that it's a portion.

9 I assumed you realized that's what I objected to. This is a

01:03 10 six- or seven- or ten-page document.

11 THE COURT: You're going to offer some portions; is
12 that it?

13 MR. CHAKRAVARTY: Yes.

14 THE COURT: She -- as I understand it, she has now
15 translated the whole thing?

16 MR. CHAKRAVARTY: She has -- no. For some of them
17 she's translated the whole thing; for example, that video.

18 THE COURT: But she's giving a verbatim --

19 MR. CHAKRAVARTY: Translation of --

01:04 20 THE COURT: -- translation of some portions that she's
21 been directed to?

22 MR. CHAKRAVARTY: Correct.

23 THE COURT: Okay.

24 MS. BASSIL: And my objection would be that it's a
25 portion as opposed to the entire document.

1 THE COURT: I don't think that affects its
2 admissibility, although it can be impeached on
3 cross-examination. But I think it should be clear when that's
4 happened as to opposed to when it has not.

5 MR. CHAKRAVARTY: Yes.

6 (In open court:)

7 BY MR. CHAKRAVARTY:

8 Q. Ms. Vallee, just to clarify, for some of the exhibits that
9 we're going to talk about today were you able to -- because of
01:04 10 the size of the document, able to translate the entire document
11 verbatim?

12 MS. BASSIL: Objection.

13 THE COURT: Rephrase it.

14 BY MR. CHAKRAVARTY:

15 Q. With regards to this specific exhibit, were you able to
16 translate the entire document?

17 A. Not the specific one, no.

18 Q. And Exhibit 1 is a multipage document?

19 A. Yes, it is.

01:05 20 Q. Did you translate a particular paragraph or particular
21 portion of that document?

22 A. Yes.

23 Q. Okay. And is what you see on the screen in front of you
24 that portion that you translated verbatim?

25 A. Correct.

1 Q. Okay. And that means that it's exactly what -- the
2 meaning was in that particular paragraph or a particular
3 portion of the document you have turned into English?

4 A. Correct.

5 Q. Okay.

6 MR. CHAKRAVARTY: Okay. With that, I would ask that
7 this be introduced as Exhibit 1A, your Honor.

8 MS. BASSIL: Note my objection.

9 THE COURT: Okay. It will be admitted, 1A.

01:05 10 (Government Exhibit No. 1A received into evidence.)

11 MR. CHAKRAVARTY: May it be published, your Honor?

12 BY MR. CHAKRAVARTY:

13 Q. 1A was a letter found at the defendant's
14 apartment -- excuse me -- room. Does letter 1A read, "Letter
15 from the commander of the faithful Mullah Muhammad 'Umar, may
16 Allah protect him, asking for the help of the Muslims and
17 scholars everywhere"?

18 Then in a subsequent paragraph, "What the Islamic nation
19 and the scholars of the nation have agreed upon is that in a
01:06 20 situation as the one we are in today, jihad becomes an
21 individual duty upon every Muslim against those invaders.
22 There is no need for a son to ask permission from his father,
23 or the slave to ask permission from his master, or a husband to
24 ask permission from his wife, or for someone in debt to ask
25 permission from his creditor. There is no argument about it

1 among the scholars.

2 "This is a ruling of jihad against those invaders and the
3 duty of the Muslims regarding it."

4 Did I read your translation accurately?

5 A. Yes.

6 MR. CHAKRAVARTY: If we could go to Exhibit 14A.

7 Q. Is this, again, a portion of a document that was found in
8 the defendant's room, Exhibit 14?

9 A. Yes.

01:06 10 Q. And specifically, did you translate the initial part of
11 this document?

12 A. I think this was the cover page and the last page.

13 Q. And is this a fair and accurate verbatim translation of
14 the cover page and the last page?

15 A. Yes.

16 MR. CHAKRAVARTY: I'd ask that 14A be introduced, your
17 Honor.

18 MS. BASSIL: Objection.

19 THE COURT: All right. Admitted.

01:07 20 (Government Exhibit No. 14A received into evidence.)

21 BY MR. CHAKRAVARTY:

22 Q. And the title is "Loyalty and Enmity, an Inherited
23 Doctrine in a Lost Reality" by Imam Shaykh 'Ayman al-Zawahiri?

24 A. Yes.

25 Q. Is that the title?

1 A. Yes.

2 Q. Does it read, "To be patient in bearing the burdens of
3 religion, especially its glorious peak: Jihad in the path of
4 Allah, Allah the most high said, 'O you who have believed, be
5 patient and forbear. Stand firm in your faith and fear Allah
6 so that you may triumph."

7 Did I read that correctly?

8 A. Yes.

9 Q. And this is a more extensive document, correct?

01:08 10 A. Yes.

11 Q. And at the bottom does it show that this document was
12 downloaded from a specific website?

13 A. Yes, Minbar al-Jihad -- I'm sorry -- al-Jihad wal Tawhid.

14 Q. Okay. And were there several translations from that
15 website that you conducted?

16 A. Yes.

17 Q. And is this by a man Ayman al-Zawahiri December of 2002?

18 A. Correct.

19 MR. CHAKRAVARTY: Turn to 16A, please.

01:08 20 Q. Is this another document that you did a partial verbatim
21 translation for?

22 A. Yes, it is.

23 Q. And was this an email that was found in the defendant's
24 residence?

25 A. Yes, it is.

1 Q. And is this a fair and accurate translation of the last
2 portion of that email?

3 A. Yes, it is.

4 MR. CHAKRAVARTY: I would ask that this be introduced
5 as 16A, your Honor.

6 MS. BASSIL: Objection, your Honor.

7 THE COURT: Same ruling.

8 (Government Exhibit No. 16A received into evidence.)

9 BY MR. CHAKRAVARTY:

01:09 10 Q. And is the title of this email "A Letter From a Mujahid in
11 Iraq to Anyone Who Asks About Jihad in Iraq"?

12 A. Yes.

13 Q. And does the last portion read, "In the end, I will not
14 say good-bye but I will say until we meet again in the eternal
15 paradise if martyrdom was decreed for us. Or, as the blessed
16 Palestine would say, if victory was decreed for us"? And then
17 is there a quote from a religious text?

18 A. Yes.

19 Q. And at the bottom of the document, the original document,
01:09 20 is there this date of April 7, 2003, along with the address to
21 a website?

22 A. Yes.

23 Q. And is the address al-Maqdisi.com?

24 A. Yes, it is.

25 MR. CHAKRAVARTY: Go to Exhibit 17A, please.

1 Q. Is this another document that you did a partial verbatim
2 translation of?

3 A. Yes.

4 Q. And is this the last portion of that document?

5 A. Yes.

6 Q. And is this a fair and accurate translation of that
7 document?

8 A. Yes, it is.

9 MR. CHAKRAVARTY: I'd ask that this be introduced as
01:10 10 Exhibit 17A.

11 MS. BASSIL: Same objection, your Honor.

12 THE COURT: Same ruling.

13 (Government Exhibit No. 17A received into evidence.)

14 BY MR. CHAKRAVARTY:

15 Q. And is the title of this "How to Reach the Battlegrounds"
16 and then a subtitle of "The Road to the Battlegrounds"?

17 A. Yes.

18 MR. CHAKRAVARTY: And then the last one from the
19 defendant's room, Exhibit 18A, please?

01:10 20 Q. Is this also a document for which you did -- portions of
21 the document you translated verbatim?

22 A. Yes.

23 Q. All right. And is this a fair and accurate translation?

24 A. Yes, it is.

25 MR. CHAKRAVARTY: I would introduce 18A, your Honor.

1 THE COURT: All right. Same ruling.

2 MS. BASSIL: May I have a continuing objection?

3 THE COURT: Yes, you may have a continuing objection.

4 (Government Exhibit No. 18A received into evidence.)

5 BY MR. CHAKRAVARTY:

6 Q. And is this a document that reads "Al-Faruq Battalions'
7 Information Report - Iraq" issued on Thursday, June 12, 2003?
8 "Iraq has witnessed in the last few weeks a number of
9 uprisings, victories and fierce fighting. Here we detail the
01:11 10 last news of victory and happenings in the land of Caliphates,
11 Allah permitting:

12 "Al-'A'azamiyah - Martyrs Neighborhood. Al-'A'azamiyah
13 neighborhood witnessed the biggest massacre of Americans. A
14 number of the al-'A'azamiyah young men found out that a number
15 of American forces decided to search their homes and lands of
16 the neighborhood. A number of the neighborhood's sons
17 displayed their readiness for martyrdom for the sake of Allah.

18 "The Faruq battalions put together five human bombs and
19 waited for the invaders at the beginning of the neighborhood to
01:11 20 detonate themselves, one after the other, in a magnificent
21 scene to kill over 40 Christian soldiers. They planted fear in
22 the hearts of the Christians who did not dare entering again
23 fearing additional human bombs."

24 Did I read that portion correctly?

25 A. Yes.

1 MR. CHAKRAVARTY: Can we go to Exhibit 32A, please.

2 Q. Now, Ms. Vallee, there are several videos in this case.
3 And for some of the videos did you translate specific portions
4 of those videos?

5 A. Yes.

6 Q. And, again, in a verbatim fashion so that it was literally
7 what was either depicted or written on the screen?

8 A. Correct.

9 Q. And is 32A an example of that?

01:12 10 A. Yes.

11 Q. Okay. And is this the translation of what is depicted on
12 that screen shot that appears here?

13 A. Yes, it is.

14 Q. Okay. And is it a fair and accurate translation?

15 A. Yes.

16 MR. CHAKRAVARTY: I'd ask that this be introduced as
17 Exhibit 32A, your Honor.

18 THE COURT: Okay.

19 (Government Exhibit No. 32A received into evidence.)

01:12 20 BY MR. CHAKRAVARTY:

21 Q. Is this video called "Abu al-Layth Video," and does it
22 read, "The videotaped speech of brother Abu al-Layth al-Libi to
23 his mujahideen brothers, the heros of Islam in Iraq," and then
24 there's a date, and it says "hijri"? Are you familiar with
25 what that means? There's a number, usually ending with 14

1 something, and then it says "hijri"?

2 A. This is the hijri year. Muslims adhere to a different
3 calendar than the rest of us do. This is -- the counting of
4 the hijri year began when the prophet -- I have to be careful.
5 I'm not sure. There was an event that took place, and that's
6 when the hijri started. The hijri started. So this is about
7 600 years before our calendar.

8 Q. Okay. So that corresponds to a date on the Muslim
9 calendar which corresponds to a date on the Roman calendar, so
01:13 10 to speak?

11 A. Correct. And it shows it there.

12 Q. August 16, 2004?

13 A. Right.

14 MR. CHAKRAVARTY: If we could go to Exhibit 36A,
15 please.

16 Q. Ms. Vallee, is this another example of a partial verbatim
17 translation, in this case the title of this video?

18 A. Yes.

19 Q. And is this fair and accurate?

01:14 20 A. Yes, it is.

21 MR. CHAKRAVARTY: I'd ask that this be introduced as
22 36A, your Honor.

23 (Government Exhibit No. 36A received into evidence.)

24 THE COURT: Okay.

25 BY MR. CHAKRAVARTY:

1 Q. Does this video -- is that called "Taliban: Reality and
2 the American Allegations"?

3 A. Yes.

4 MR. CHAKRAVARTY: Go to Exhibit 37A.

5 Q. Is this another partial verbatim translation, in this case
6 the verbatim translation of what's depicted on this screen
7 shot?

8 A. Yes.

9 Q. Is this a fair and accurate depiction of that translation?

01:14 10 A. Yes.

11 MR. CHAKRAVARTY: I'd introduce Exhibit 37A, your
12 Honor.

13 THE COURT: All right.

14 (Government Exhibit No. 37A received into evidence.)

15 BY MR. CHAKRAVARTY:

16 Q. And is this video titled "10.7.01"?

17 A. Yes.

18 Q. Does the translated portion read, "In the name of Allah,
19 the merciful and the compassionate?

01:15 20 "Your brothers at Wa'A'ido - and Prepare - Media Institute
21 present to you this piece from the statement of the al Qa'ida
22 leaders in Afghanistan upon America's tyrannical declaration of
23 war on the Emirate of Islam.

24 "We ask the brothers to please upload again what you see
25 and learn production, because jihad will need you in the

1 upcoming days, asking the lord almighty and exalted to bring us
2 together in the land of glory where we will establish his law
3 and at the basin with our prophet, peace be upon him.

4 "Wa'A'ido Media."

5 Did I read that correctly?

6 A. Yes.

7 MR. CHAKRAVARTY: Exhibit 57A, please.

8 Q. Is this another partial verbatim translation of a video?

9 A. Yes.

01:15 10 Q. And specifically, does the translation in front of you
11 depict what is on that screen shot?

12 A. Yes.

13 Q. And is it fair and accurate?

14 A. Yes, it is.

15 Q. I'd introduce Exhibit 57A, your Honor.

16 THE COURT: All right.

17 (Government Exhibit No. 57A received into evidence.)

18 BY MR. CHAKRAVARTY:

19 Q. And is the title of this video, translated, called
01:16 20 "Eulogy"?

21 A. Yes.

22 Q. And does it read, "Eulogy of the Martyr Abu Musaab
23 al-Zarqawi"? And is there a picture of Osama bin Laden on the
24 left, Abu Musaab al-Zarqawi on the right, with the Shura
25 Al-Mujahideen logo on Abu Musaab's picture?

1 A. Yes.

2 Q. And is there a banner under the two pictures "Al-Sahab.
3 Shayikh Usama Bin Muhammad bin Laden, may Allah protect him.
4 Eulogizing the martyr of the nation Abu Mus'ab al-Zarqawi, may
5 Allah bless his soul"?

6 A. Correct.

7 MR. CHAKRAVARTY: Go to Exhibit 218A.

8 Q. Is this a document found on a computer disk in the
9 defendant's room, a partial translation of that?

01:17 10 A. Yes.

11 Q. Again, this is a partial translation, not the entire
12 document?

13 A. Correct.

14 Q. And is it fair and accurately translated?

15 A. Yes.

16 MR. CHAKRAVARTY: I would ask that this be introduced
17 as Exhibit 218A, your Honor.

18 THE COURT: Okay.

19 (Government Exhibit No. 218A received into evidence.)

01:17 20 BY MR. CHAKRAVARTY:

21 Q. Is the title of this "How to Confront Interrogators"?

22 A. Yes.

23 Q. And does it read, "It defines a collection of concepts and
24 intuitions and a summary of a collection of experiences. It
25 describes the different techniques the detainees are faced with

1 in the jails of the Zionist enemy and others. This is in an
2 attempt to arm those who are resisting against them with prior
3 and practical knowledge around the interrogation and its
4 techniques, to help them resist and challenge the
5 interrogators, and to protect jihad and other mujahideen. This
6 is done by making them aware of what awaits them in the
7 interrogation cellars and by explaining to them the best
8 methods to deal with the interrogators so that there will not
9 be any surprises which could lead them to crumble"?

01:17 10 Did I read that correctly?

11 A. Correct.

12 MR. CHAKRAVARTY: Go to 219.

13 Q. Is this purely the title of another document that was
14 found on a disk in the defendant's computer?

15 A. Yes, it is.

16 Q. Is this a fair and accurate translation of that title?

17 A. Yes, it is.

18 MS. BASSIL: Your Honor, may we approach sidebar on
19 this?

01:18 20 THE COURT: All right.

21 (Discussion at sidebar and out of the hearing of the
22 jury:)

23 MS. BASSIL: Your Honor, as I understand it, 219,
24 222A, 225A, these -- and I'm not clear of the source of this,
25 but these apparently were screen shots of a website. And what

1 the government, I believe, has done is just picked out
2 something, and there's no indication what the
3 defendant -- there's nothing more to indicate that he clicked
4 on a link -- you know, it's like a website, and then you would
5 click on a link if you were going to read a particular article.
6 But there's no indication in any of the discovery that he
7 clicked on a particular article, or even what the source of
8 this screen shot is.

9 And so I would object to reading the titles of
01:19 10 particular articles which the government has chosen with no
11 evidence that the defendant read those.

12 MR. CHAKRAVARTY: These were articles that were
13 downloaded and put onto a CD that the defendant had in his
14 room.

15 MS. BASSIL: That's not the way it reads in the
16 discovery package. It reads as a screen shot of the DC
17 website.

18 MR. CHAKRAVARTY: Right. Because that's what was on
19 the CD, a number of screen shots.

01:19 20 MS. BASSIL: Right. There's no articles that were
21 downloaded, just screen shots.

22 It's -- you know what I mean, you have screen shots of
23 CNN in your computer but you haven't necessarily clicked on it.

24 THE COURT: Right.

25 MS. BASSIL: It's --

1 MR. CHAKRAVARTY: I mean, it's a visible web page. If
2 we go to 219 you'll see what appears.

3 THE COURT: But the question is, what is 219, is sort
4 of the question. You say it is something that the defendant
5 made his own by downloading.

6 MR. CHAKRAVARTY: Correct.

7 THE COURT: How do we know that?

8 MR. CHAKRAVARTY: Well, I don't know that he
9 downloaded; I know that he had it stored on a CD.

01:20 10 MS. BASSIL: No, that's not correct.

11 THE COURT: When you use the term "stored," what do
12 you mean by "stored"?

13 MR. CHAKRAVARTY: It was on a CD that he possessed,
14 amongst others, that he maintained.

15 THE COURT: On a CD as opposed to a hard drive?

16 MR. CHAKRAVARTY: Correct.

17 MS. BASSIL: But it's a screen shot, not any specific
18 article. That's what I'm objecting to.

19 THE COURT: Yeah.

01:20 20 MR. CHAKRAVARTY: Mr. Auerhahn reminds me that in
21 order for something to get on a CD, it has to be --

22 THE COURT: Right. I get that. So that's a step
23 that, you have it on a CD. Who says it's on a CD? I mean, are
24 you going to lay that foundation?

25 MR. CHAKRAVARTY: Right. Scripture, four weeks ago,

1 said that these series of documents were on a CD.

2 MS. BASSIL: But it's not the documents; it's just a
3 screen shot of the website.

4 THE COURT: Well, I think the contents, whatever they
5 may be, may be shown for whatever --

6 MS. BASSIL: Except there's no evidence that the
7 defendant downloaded these. That's not on the CD. What's on
8 the CD is the screen shot of, let's say, the first page of the
9 website. Like if on my computer there might be a screen shot
01:21 10 of CNN, okay? What is not on CDs, or in his computer, is a
11 click onto a specific article and downloaded it, just the
12 screen shot.

13 THE COURT: Right. But just this, whatever it is,
14 218 --

15 MR. CHAKRAVARTY: 219.

16 THE COURT: -- 219 --

17 MS. BASSIL: 222A, 225A.

18 THE COURT: -- is the screen shot?

19 MS. BASSIL: Yes.

01:21 20 MR. CHAKRAVARTY: Yes.

21 MS. BASSIL: But they picked out particular articles
22 to translate even though there's nothing that indicates
23 that -- he didn't download those.

24 MR. CARNEY: If I could use an analogy. If you look
25 at the *Boston Globe* in the morning, and as soon as you look at

1 it, that screen shot will be saved. It may indicate that there
2 are a lot of articles there, but then if you navigate away and
3 go to another site of CNN, that doesn't mean, and there's no
4 indication, that you looked at any of the articles.

5 THE COURT: Except to the extent that it's saved to a
6 CD.

7 MS. BASSIL: Not the articles.

8 THE COURT: No, I understand. Even the screen shot.
9 It indicates a choice to save the screen shot, so, I mean, I'm
01:22 10 not sure how powerful --

11 MS. BASSIL: I don't think they are on CD. My
12 understanding is it was on his computer. I don't think it's on
13 a CD.

14 MR. CHAKRAVARTY: These are on CDs.

15 MS. BASSIL: CDs he downloaded or you downloaded?

16 MR. CHAKRAVARTY: CDs in his room.

17 THE COURT: Found in the original '06 search?

18 MR. CHAKRAVARTY: Found in the original '06 search.

19 THE COURT: All right. I think you could have it.

01:22 20 MS. BASSIL: Your Honor, while we're up here --

21 THE COURT: Yeah.

22 MS. BASSIL: -- I just wanted -- while we're up here,
23 there is an exhibit, and I don't know if they're going to
24 publish it or not, but it's 58A, and it's this video that's
25 been so controversial. And I did want to raise this at this

1 point.

2 MR. CHAKRAVARTY: I'm going to do it at the end.

3 MS. BASSIL: I would object to that.

4 MR. CHAKRAVARTY: I'm going to do four chats and then
5 do the video.

6 MS. BASSIL: We now have had, I believe, 17 videos and
7 now two screen shots of videos, and we just keep going and
8 going and going. And I think it's far more prejudicial than
9 probative and we're far beyond cumulative at this point.

01:23 10 THE COURT: Okay. I still think it's admissible.

11 MS. BASSIL: Do you want to add to it?

12 MR. CARNEY: Your Honor, we move for a mistrial at
13 this point. The prejudice is so overwhelming that it's
14 affecting our client's ability to get a fair trial.

15 THE COURT: Okay. Motion is denied.

16 (In open court:)

17 THE COURT: So 219 is admitted after discussion.

18 (Government Exhibit No. 219 received into evidence.)

19 MR. CHAKRAVARTY: Just to clarify what this is, can we
01:24 20 go to 219, please?

21 THE COURT: Which is in evidence.

22 MR. CHAKRAVARTY: It is. Correct.

23 BY MR. CHAKRAVARTY:

24 Q. So is this the multipage document for which you translated
25 just the title?

1 A. Yes.

2 MR. CHAKRAVARTY: Can we go back to 219 now?

3 Q. And is that title "Guiding the Confused on the
4 Permissibility of Killing the Prisoners"?

5 A. Yes.

6 MR. CHAKRAVARTY: Can we go to 221A.

7 Q. And is this a portion -- a verbatim portion of a multipage
8 document?

9 A. Yes.

01:24 10 Q. And is this a fair and accurate translation of that
11 portion?

12 A. Yes.

13 Q. And that portion here is Part 1, correct?

14 A. Yes.

15 Q. All right.

16 MR. CHAKRAVARTY: I'd introduce 221A.

17 THE WITNESS: I think there was -- in addition to Part
18 1, I translated an address toward the end of the article.

19 MR. CHAKRAVARTY: Okay. Page 2, please.

01:25 20 BY MR. CHAKRAVARTY:

21 Q. I'm sorry. Thank you.

22 A. Yes.

23 Q. So it's Part 1, and then the ellipsis, and then the last
24 portion?

25 A. Yes.

1 Q. Is this a fair and accurate translation of those portions
2 of the document?

3 A. Yes.

4 MR. CHAKRAVARTY: I'd introduce Exhibit 221, your
5 Honor.

6 THE COURT: All right.

7 (Government Exhibit No. 211 received into evidence.)

8 MR. CHAKRAVARTY: Would you go back to page 1?

9 BY MR. CHAKRAVARTY:

01:25 10 Q. Is this document "Join the Caravan"?

11 A. Yes.

12 Q. And is Part 1 titled "The Reasons for Jihad"?

13 A. Yes.

14 Q. And so then does it list a number of reasons? And let me
15 just read it, I guess. "We then are calling upon the Muslims
16 and urging them to proceed to fight, for many reasons, at the
17 head of which are the following: One, in order that the
18 disbelievers to not dominate; two, due to the scarcity of men;
19 three, fear of hell fire; four, fulfilling the duty of jihad
01:26 20 and responding to the call of the lord; five, following in the
21 footsteps of the pious predecessors; six, establishing a solid
22 foundation as a base for Islam."

23 MR. CHAKRAVARTY: Next page, please?

24 Q. "Seven, protecting those who are oppressed in the land;
25 and, eight, hoping for martyrdom."

1 Are those reasons listed under Part 1?

2 A. Yes.

3 Q. And then this document, does it say, "Those who wish to
4 come to Afghanistan should call the following phone numbers in
5 Peshawar"? And it lists three phone numbers. "When you arrive
6 at Peshawar, call one of these phone numbers and ask the person
7 to come to you. Someone will come to you and provide you with
8 the services you need."

9 The address is Peshawar University, PO Box 977, Pakistan,
01:26 10 Peshawar. Is that the address that was listed there?

11 A. Yes.

12 MR. CHAKRAVARTY: Go to 222A.

13 Q. And is this a partial translation of a multipage document
14 called -- that was found also on that CD in the defendant's
15 room?

16 A. Yes.

17 MR. CHAKRAVARTY: And for clarification, can we go to
18 Exhibit 222, please?

19 Q. Is this that document?

01:27 20 A. Yes.

21 Q. And this appears to be a captured website. Is that right?

22 A. Yes.

23 Q. And this is the portion that you translated?

24 A. Yes.

25 MR. CHAKRAVARTY: Can we go back to 222A?

1 Q. And is this a fair and accurate translation of that
2 portion?

3 A. Yes.

4 MR. CHAKRAVARTY: I would ask that this be introduced
5 as 222A.

6 THE COURT: All right.

7 (Government Exhibit No. 222A received into evidence.)

8 BY MR. CHAKRAVARTY:

9 Q. And is the title of this page "The Necessity of Jihad, the
01:27 10 Virtue of Martyrdom"?

11 A. Yes, it is.

12 THE COURT: I think we're confusing the machine here
13 because you're switching back and forth so quickly.

14 MR. CHAKRAVARTY: I'm sorry, your Honor.

15 BY MR. CHAKRAVARTY:

16 Q. Is the title "Necessity of Jihad and Virtue of Martyrdom"?

17 A. Yes, it is.

18 Q. And does it read, "The first matter: Suicide operations
19 from a legal perspective"?

01:28 20 A. Yes.

21 Q. "In this segment we list the important proofs and what the
22 scholars say about the permissibility of suicide operations.
23 We break it down as follows: First, permissibility of killing
24 oneself to strengthen the religion and to promote it; second,
25 the scholars agree on the permissibility of plunging into

1 dangerous situations in jihad; third, permissibility for one to
2 embark against a large number of the enemy in jihad even if he
3 is to get himself in danger; fourth, removal of censure from
4 one who kills himself for the sake of the religion; fifth,
5 removal of censure from one who has exposed himself to death
6 for the sake of Allah; sixth, the virtue of patience of the one
7 who knows he will be taken prisoner and chooses to fight to the
8 death and refuses to be taken prisoner; seventh, the virtue of
9 patience to fight for death over blasphemy; eighth, the virtue
01:29 10 of death in the cause of enjoining the good and forbidding the
11 evil; and ninth, permissibility of killing oneself to avoid
12 revealing secrets under torture."

13 Is that what is listed there?

14 A. Yes.

15 MR. CHAKRAVARTY: Exhibit 225A, please.

16 Q. And, again, is this a partial verbatim translation of a
17 website that was on a CD in the defendant's room?

18 A. Yes.

19 MR. CHAKRAVARTY: Could we go to 225 just to situate
01:29 20 the jury again?

21 Q. And is this the document that you translated?

22 A. Yes.

23 MR. CHAKRAVARTY: Go back to 225A.

24 Q. And is this a fair and accurate translation of a portion
25 of that document?

1 A. Yes.

2 MR. CHAKRAVARTY: I'd ask that this be introduced as
3 Exhibit 225A.

4 THE WITNESS: Okay.

5 (Government Exhibit No. 225A received into evidence.)

6 BY MR. CHAKRAVARTY:

7 Q. And is the website called "Minbar al-Tawhed Wal Jihad"?

8 A. Yes.

9 Q. And is the article titled "Lying under Oath to the
01:30 10 Supporters of the Oppressors"?

11 A. Yes.

12 Q. "The question is about the ruling on someone being made to
13 swear under oath by the disbelievers. Al-Maqdisi explains that
14 there are three types of people who would take the oath, and
15 they are: Those who are oppressors, those who are oppressed,
16 and those who are neither."

17 MR. CHAKRAVARTY: Skip down to this one.

18 Q. "If you are oppressed by a tyrant ruler who does not rule
19 by the laws of Allah where there is no fairness, he has the
01:30 20 right to lie under oath. If lying under oath could save him or
21 save his Muslim brother from the oppression, then it is
22 permissible for him to lie. If telling the truth would harm
23 him, or harm his Muslim brothers, then it is permissible for
24 him to lie. If you are neither but you need to lie, then you
25 should use other methods such as concealing the truth instead,

1 or misleading by suggesting something you don't mean."

2 Did I read that correctly?

3 A. Yes. Can I just point out that this is not a verbatim?

4 Q. Yes. I want you to point that out.

5 A. Okay.

6 Q. Which portions are not verbatim?

7 A. I'm not sure. I'd have to --

8 MS. BASSIL: Your Honor, move to strike this.

9 A. -- look at the original.

01:31 10 MR. CHAKRAVARTY: I have no objection it to being
11 stricken, your Honor.

12 THE COURT: All right. The exhibit will be stricken.
13 225A is stricken.

14 (Exhibit 225A withdrawn from evidence.)

15 MS. BASSIL: I ask the jury be instructed.

16 THE COURT: Yeah, the jury will disregard it. It was
17 exposed to you temporarily. It's now removed from evidence.
18 It's not part of the evidence.

19 MR. CHAKRAVARTY: Can we go back to 225, please?

01:31 20 THE WITNESS: The title is definitely verbatim, but
21 the portions of the document, I'm not so sure.

22 BY MR. CHAKRAVARTY:

23 Q. Okay. So -- all right. So -- well, we may come back and
24 do that verbatim, but we'll move on for now.

25 MR. CHAKRAVARTY: Can we go to Exhibit 768B, please?

1 Q. Now, in addition to some of the documents and the videos
2 that you translated portions of, did you also have an
3 opportunity to listen to several nashid, what are called songs,
4 chants?

5 A. Yes.

6 Q. And for those nashid, did you just translate the titles of
7 those nashid?

8 A. Yes.

9 Q. And is 768B an example of one of those?

01:32 10 A. Yes.

11 Q. And is this a fair and accurate translation of that title
12 of that nashid?

13 A. Yes, it is.

14 MR. CHAKRAVARTY: I would introduce --

15 Q. For convenience' sake, were those for nashids 768B, 770B,
16 771B, 773B and 775B?

17 A. Yes.

18 Q. And --

19 A. I'm going to trust you on the numbers.

01:32 20 Q. If you see an error, please point that out, as you've
21 already done --

22 A. Okay.

23 Q. -- as we're going through this.

24 And are those fair and accurate translations of just the
25 titles of those documents, or audio files?

1 A. Yes.

2 MR. CHAKRAVARTY: I'd introduce 768B, 770B, 771B,
3 773B, and 775B. And my apologies.

4 THE COURT: Okay. They're admitted.

5 (Government Exhibit Nos. 768B, 770B, 771B, 773B, 775B
6 received into evidence.)

7 BY MR. CHAKRAVARTY:

8 Q. And is the title of 768B -- or the title of the file that
9 is 768A, "At-Tariq Ila al-Khulud," is that translated "To the
01:33 10 Path to Eternity"?

11 A. Yes.

12 MR. CHAKRAVARTY: 770B, please?

13 Q. Is the translation of Exhibit 770A, "Ritha' an-Nasr,"
14 translated as the "Eulogy of Victory"?

15 A. Yes.

16 MR. CHAKRAVARTY: 771B, please.

17 Q. Is File 771A Tadreeb.tadeery translated as "Preparative
18 Training"?

19 A. Yes.

01:34 20 MR. CHAKRAVARTY: 773B, please.

21 Q. Is the title of 773A Wayn man yabghi ash-shahada
22 translated as "Who Wishes for Martyrdom"?

23 A. Yes.

24 MR. CHAKRAVARTY: 775B, please.

25 Q. And is the translation for Exhibit 775A, Labbayk.ram,

1 translated as "At your Service"?

2 A. Yes.

3 MR. CHAKRAVARTY: If you would go to 780, please. It
4 may be 780A. Yes, 780A, please? 780B? 780C?

5 Q. Is this a screen shot that you translated?

6 A. Yes.

7 Q. And is this a file found on the defendant's computer?

8 A. Yes.

9 MR. CHAKRAVARTY: Okay. Can we go to 780A?

01:35 10 Q. Is this a fair and accurate translation of that screen?

11 A. Yes.

12 MR. CHAKRAVARTY: I'd introduce 780A, your Honor.

13 THE COURT: Okay.

14 (Government Exhibit No. 780A received into evidence.)

15 BY MR. CHAKRAVARTY:

16 Q. And is that file a "Collection of Shayikh Al-Battar
17 writings by Yusif Bin Salih Al 'Ayyiri, May Allah bless his
18 soul and accept him as a martyr," and then there is a date in
19 the hijri calendar corresponding to July 2, 2004?

01:36 20 A. Do you know what? I don't think this is the -- no, this
21 is something different. The first one you showed me I think
22 was Sawt al-Jihad.

23 Q. Okay. I see. So there were two of these files.

24 MR. CHAKRAVARTY: Go back to 780C, please.

25 A. It's hard to see the quality. It is not really

1 very -- it's not very clear here. Yeah, this is Sawt al-Jihad
2 magazine, and the English does not go with this. It is
3 something else.

4 MR. CHAKRAVARTY: Can we go to 779C, please? I
5 apologize for this confusion.

6 A. This is the cover for the English that you just showed me.

7 Q. And there were two of these files that were found on the
8 defendant's computer?

9 A. Yes.

01:37 10 Q. You and your colleague, Ms. Anne Marie Doursounian,
11 translated one of each, or did one of you do both?

12 A. I think I did both.

13 Q. So you're familiar with this. Instead of reviewing all of
14 the side -- all of these individual files, you translated just
15 the cover page. Is that correct?

16 A. Correct. Yeah.

17 Q. So actually, 779C is -- corresponds to that translation
18 that we were just looking at. Is that right?

19 A. Yes.

01:37 20 MR. CHAKRAVARTY: Okay. So we will correct the
21 numbering later, your Honor, but I'll have her authenticate the
22 translation at this point.

23 So for Exhibit 779C, can we now go to 780A?

24 Q. Is this the translation of that?

25 A. Yes.

1 Q. And is this that collection of Shayikh Al-Battar writings
2 by Yusif Bin Salih al-'Ayyiri?

3 A. Yes.

4 MR. CHAKRAVARTY: So I assume the exhibits were mixed
5 up when they were put in the computer.

6 Can we go to 779A? Next page, please? 779B, please?

7 (Pause.)

8 MR. CHAKRAVARTY: One moment, your Honor. I'm sorry.

9 (Pause.)

01:39 10 MR. CHAKRAVARTY: Okay. Go back to 779A. Next page.

11 Okay. In the interest of time we're going to move on and try
12 to fix this at the break, maybe.

13 Q. What I'm showing you now, 779A, to me there does not
14 appear to be a verbatim translation.

15 A. No.

16 Q. Okay. That's why I'm not going to ask you about that.

17 MS. BASSIL: Your Honor, can we strike that as an
18 exhibit, please?

19 THE COURT: It was not admitted.

01:40 20 MS. BASSIL: All right.

21 MR. CHAKRAVARTY: Can we go to Exhibit 362, please.

22 BY MR. CHAKRAVARTY:

23 Q. Were there a couple of emails that had a few
24 transliterated Arab words in them?

25 A. Yes.

1 Q. And is this one of them?

2 A. Yes.

3 MR. CHAKRAVARTY: Can we go to page 2?

4 Q. And is this another one?

5 A. Yes.

6 Q. And exactly -- page 2 of this document corresponds to --

7 MR. CHAKRAVARTY: Can we go to 361?

8 Q. -- this same email but the Arabic words have been
9 translated?

01:41 10 A. Yes.

11 MR. CHAKRAVARTY: Back to 362.

12 Q. Are these two emails fairly and accurately translated
13 from -- completely verbatim from English to Arabic -- excuse
14 me -- Arabic to English?

15 A. Yes.

16 MR. CHAKRAVARTY: I would introduce 362, your Honor.

17 THE COURT: I'm not clear on where we are. 362 is a
18 translation of 361?

19 MR. CHAKRAVARTY: It's two documents in one. So the
01:41 20 second page is -- 362, page 2, is a translation of Exhibit 361,
21 and Exhibit -- the first page of 362 is a separate document
22 that has previously been authenticated outside of the Arabic.

23 THE COURT: I'm looking at 362, page 1, on the screen.

24 MR. CHAKRAVARTY: Right.

25 THE COURT: Would you show me 2?

1 MR. CHAKRAVARTY: Yes.

2 (Pause.)

3 MR. CHAKRAVARTY: Page 2 on the second slide. Can you
4 do 362, page 2?

5 (Pause.)

6 THE COURT: Well, I think the numbering is confusing.
7 If 362, page 2, is a translation of 361, page 1 --

8 MR. CHAKRAVARTY: I apologize for --

9 THE COURT: -- what is 362, page 1?

01:43 10 MR. CHAKRAVARTY: 362, page 1, was just one of the
11 emails that was in the defendant's --

12 THE COURT: But it's unrelated to 362 -- in other
13 words, you have page 1 and page 2 of the same document as being
14 unrelated.

15 MR. CHAKRAVARTY: I apologize. The documents were
16 uploaded into the JERS system, I think, in a way, and into our
17 system to comport. Because they were done later, we didn't
18 want to substitute for two documents. We can do that, your
19 Honor. And so --

01:43 20 THE COURT: So I understand the witness's testimony to
21 be that 362-2 -- you have both of these on the screen.

22 THE WITNESS: Yes.

23 THE COURT: 362-2 on the left is an accurate
24 translation of 361-1 on the right?

25 THE WITNESS: Yes.

1 THE COURT: Okay. Under those conditions, it's
2 admitted.

3 MR. CHAKRAVARTY: Thank you, your Honor. And for
4 documentation so it's easier for the jury to navigate, at the
5 end on the record we may change that to 361A, which is how
6 we've been doing things.

7 THE COURT: All right.

8 BY MR. CHAKRAVARTY:

9 Q. And the first page of 362, page 1, this -- again, this
01:44 10 is -- you've translated the Arabic words that appear in that
11 document accurately?

12 A. Yes.

13 MR. CHAKRAVARTY: So I would introduce 362, your
14 Honor.

15 THE COURT: Okay.

16 (Government Exhibit No. 362 received into evidence.)

17 BY MR. CHAKRAVARTY:

18 Q. I'm going to shift gears and go to the next -- in advance
19 of playing a short video clip, I wanted to ask -- read through
01:44 20 a few instant message chat sessions with you. And in this
21 capacity I'm not asking you to translate; I'm just asking you
22 to read along with me.

23 A. All right.

24 MR. CHAKRAVARTY: Can we call up Exhibit 734.

25 Q. Does this appear to be a chat session between the person

1 named Sayf Maslool and Tauqir dated July 11 -- actually -- I'll
2 focus on July 12, 2006. Are you familiar with the words "Sayf
3 Maslool" in Arabic?

4 A. Yes.

5 Q. What do they translate to?

6 A. "Drawn sword."

7 Q. "Drawn sword"?

8 A. Yes.

9 Q. And so if you wouldn't mind reading the English portion of
01:45 10 what Tauqir says, and I will read the defendant's portion.

11 A. In this case I would start with "Wa'alakum asalaam, akhi,"
12 although it's not English.

13 Q. Correct. So if you wouldn't mind reading the translation,
14 "Peace be upon you."

15 A. Okay. "Peace be upon you, brother. How are you, man?"

16 Q. "Good, man." Then there's an auto response. "And you?"

17 A. "Praise be to Allah."

18 Q. "Bro, you want to see something?"

19 A. "Yeah, sure, man."

01:46 20 Q. "You remember the rape incident" --

21 A. "Yeah."

22 Q. -- "with the 14-year-old girl? You want to see the
23 response?"

24 MR. CHAKRAVARTY: Next page?

25 A. "Yeah, I do."

1 Q. "Okay. Get ready. And it ain't a statement from CAIR."

2 A. I'm sorry. It's just too small. I can't see. Yeah, it
3 is --

4 Q. I'll blow it up. I'm sorry.

5 A. "Yeah, if it was to that, it would make me wanna vomit.
6 But I know this will put a smile on my face."

7 Q. "This is sick. As in sick."

8 A. "Even for the TV show I saw with you. Abu Hamood and
9 Tamer came in. Sicker than those shows?"

01:47 10 Q. "Yes. Even sicker."

11 A. "Oh, man."

12 Q. "But it shows the aftermath, not the actual process."

13 A. "And it's worse?"

14 Q. "Yeah. They go all the way. You'll see. And better yet,
15 they do it against hicks, not Shi'ah. The same baseball team
16 that the rapist was on. They did it to them."

17 A. "Oh, the Yankees? Yeah, man. I hate that team a lot."

18 Q. "Let's just say they got torn apart."

19 A. "I really wanna see this."

01:47 20 Q. "Remember the movie 'Hostel'?"

21 A. Yeah.

22 Q. And then there's a link sent with a link called
23 Juthath.rmvb. In the document it's translated as "corpses."

24 A. Yes.

25 Q. That's what "juthath" means?

1 A. Yes.

2 "Okay. It's done. What do I play it with?"

3 Q. "RealPlayer."

4 A. "Wmp does play it? Oh, damn. One second. It's working."

5 Q. And then the defendant sends a smiley face. "They
6 specifically did this in response to the rape."

7 A. "On the street?"

8 Q. "Yes. And they left the corpses there and walked away.
9 You saw how they dissected the bodies?"

01:48 10 A. "Yeah, it's still playing. Yeah."

11 Q. "You can see the ribs, internal organs, et cetera."

12 A. "What, the show states that it was response?"

13 Q. "Yeah."

14 A. "Man. That was something."

15 Q. "Heavy, yeah. Now they'll think twice when they see an
16 Iraqi girl."

17 A. "What's the deals in the court?" Or I'm not sure, there's
18 a typo there. "Are they being tried?"

19 Q. "They will be. But who cares. Texas BBQ is the way to
01:49 20 go."

21 MR. CHAKRAVARTY: Can we go to Exhibit 686, please.

22 MS. BASSIL: Your Honor, may we approach sidebar?

23 (Discussion at sidebar and out of the hearing of the
24 jury:)

25 MS. BASSIL: Your Honor, I'm going to object because

1 the video is coming up, but I want to object to the dramatic
2 intonation by Mr. Chakravarty. This is a document. It doesn't
3 require dramatic readings or intonations, and I think it should
4 be read in a straightforward manner.

5 THE COURT: Yeah, tone it down a little, please.

6 MS. BASSIL: Thank you.

7 (In open court:)

8 MR. CHAKRAVARTY: Go to page 2, please. Sorry, back
9 to page 1 quickly.

01:50 10 BY MR. CHAKRAVARTY:

11 Q. Is this a stored chat session between Sayf Maslool and
12 Ihab on July 13, 2006?

13 A. Yes.

14 MR. CHAKRAVARTY: Okay. Back to page 2.

15 Q. And does Sayf Maslool say, "Man, did you see the vid of
16 the mutilated infidels?"

17 A. "No."

18 Q. "This was done in revenge for the rape of that girl.
19 Nice, juicy BBQ."

01:51 20 A. "I haven't watched it yet. Don't burn it for me. But as
21 long as soccer is on TV, nothing else matters, brother."

22 Q. "Yeah, Zinedine Zidan, more important than Palestine."

23 MR. CHAKRAVARTY: Then the next page, please.

24 Q. And then he sends that file juthath.rmvb. And "juthath,"
25 as you stated earlier, translates to "corpses."

1 A. Corpses, yes.

2 MR. CHAKRAVARTY: Exhibit 540.

3 Q. Is this a chat session -- it starts between the defendant
4 and Abu-Saqr on Thursday, July 13th, 2006?

5 A. Yes.

6 Q. And I'm sorry. There's an Arabic phrase here, which is
7 the defendant's screen name. What does that translate to?

8 A. "The one who is in need for Allah."

9 Q. So the defendant says, "Man, did you see the vid of the
01:52 10 mutilated infidels?" And then the chat session closes and then
11 it starts up again 30 seconds later. And then if you could
12 read Abu-Saqr's part?

13 A. He just replies "LOL."

14 Q. No. I'm sorry. So here --

15 A. Oh, so, "No."

16 Q. And then the defendant says, "Man, it was Texas BBQ sauce
17 all the way."

18 A. "Laugh out loud."

19 MR. CHAKRAVARTY: Exhibit 541, please?

01:53 20 Q. And is this a chat session --

21 THE COURT: You don't have it?

22 THE JURORS: No.

23 THE COURT: I'm sorry. My bad. Do you have it now?

24 THE JURORS: Yes.

25 BY MR. CHAKRAVARTY:

1 Q. Is this chat session between the defendant and the same
2 Abu-Saqr on July 14, 2006?

3 A. Yes.

4 MR. CHAKRAVARTY: Go to page 3, please.

5 Q. And does the defendant again say, "I want more BBQ sauce
6 videos"?

7 A. Yes.

8 MR. CHAKRAVARTY: Go to Exhibit 701, please.

9 Q. Is this a chat session between the defendant and Nusrah on
01:53 10 July 1, 2006?

11 A. Yes.

12 Q. This one we'll read the whole one. Does the defendant
13 start with "Peace be upon you"?

14 A. "And upon you, brother. How you doing, Sheik al-Bostoni?"

15 Q. And "Y." "Bro, you remember that story of the 14-year-old
16 raped in Iraq?"

17 A. "Yeah, by five niggers?"

18 Q. "You wanna see" --

19 A. "She was burnt?"

01:54 20 Q. -- "what was done in revenge?"

21 A. "Yeah, I saw."

22 Q. "Yeah. Heh. Good."

23 A. "Chop-chop. To Texas BBQ."

24 Q. Did you have an opportunity to view Exhibit 58, a video
25 called "Juthath"?

1 A. Yes.

2 Q. And did you do a verbatim translation of that document?

3 A. Yes.

4 MR. CHAKRAVARTY: I call up Exhibit 58A, please. Page
5 2, please.

6 Q. And is this the translation of that document?

7 A. Of the video, yes.

8 Q. Of the video. Excuse me.

9 And it's broken down by different slides on this
01:55 10 translation. Is that because of different portions of the
11 video?

12 A. Yes.

13 Q. Is the verbatim translation a translation of the entire
14 video?

15 A. Yes.

16 MR. CHAKRAVARTY: So what I think we'll do, your
17 Honor, is play Exhibit 58, which is the first 40 seconds of the
18 video, and then I'll read through the translation with the
19 witness.

01:55 20 MS. BASSIL: May we have one moment, your Honor? If I
21 may speak with Mr. Chakravarty for one moment?

22 THE COURT: Go ahead.

23 (Counsel confer off the record.)

24 BY MR. CHAKRAVARTY:

25 Q. And Ms. Bassil just reminds me that --

1 MS. BASSIL: Thank you.

2 BY MR. CHAKRAVARTY:

3 Q. -- with the one part, and I don't want to jump ahead,
4 there's a translation in the written reference to the word
5 "Westerner." Can that have multiple translations, including
6 one of them being Roman?

7 A. I would have to see the original Arabic. It's hard. It
8 could. But I'd be guessing right here because I need to the
9 see the original.

01:56 10 Q. So let's play the video and then we'll go through the
11 translation and then we can ask you more details about it.

12 A. Okay.

13 MR. CHAKRAVARTY: I would introduce Exhibit 58A as the
14 translation of the video, your Honor.

15 THE COURT: Okay.

16 (Government Exhibit No. 58A received into evidence.)

17 (Video published to the Court and jury.)

18 BY MR. CHAKRAVARTY:

19 Q. Okay. And then the video continues, correct?

01:57 20 A. Yes.

21 Q. Okay. So let's read the translation of the entire video.
22 So the portion that we watched, the part that I've highlighted,
23 does that appear to be the highlighted portion that we watched?

24 A. Yes.

25 Q. And begin with, "In the name of Allah, the merciful, the

1 compassionate," and then there was a symbol that came on the
2 screen that said, "There is no God but Allah and Muhammad is
3 his messenger," and the "Mujahideen Shura Council in Iraq."
4 And then there was written, the "Media Institute." And then,
5 again, written on the part that we watched it says, "Presents
6 the remains of the two American soldiers who were kidnapped
7 near Yusefiya," and then the image of Osama bin Laden came on.
8 And it said, "Voice of Osama bin Laden, may Allah protect him."

9 Is that all that appeared on the screen?

01:58 10 A. Yes.

11 Q. And then the audio that we just listened to, did that
12 translate to, "To our brothers, the mujahideen in Bagdad, the
13 land of the Caliphs and its environs, your continued courageous
14 operations against the Americans and their helpers have filled
15 the Muslims with happiness, joy, delight and exaltation. You
16 have raised the heads of the Muslims with your excellent
17 activity which brings joy to those who are sad and raises a
18 smile on the face of bereaved mothers. May Allah reward you as
19 you deserve"?

01:59 20 All right. And then after that portion of the video
21 there's some scenes depicted in the video. I'm not going to
22 ask you to describe them, but along with the scenes depicted in
23 the video is there audio going on as an overlay to those
24 images?

25 A. Yes.

1 Q. And then is it written, "The remains of the two American
2 soldiers kidnapped near Yusifiya"?

3 A. Yes.

4 Q. And then an audio. I think you just described it. There
5 was a song in the background, or audio in the background. Does
6 it begin with a nashid, one of these songs or chants?

7 A. Yes.

8 Q. And as you've translated here, are these the lyrics to
9 that song, essentially?

01:59 10 A. Yes.

11 Q. And this is where I was drawing your attention to this
12 reference to westerners in this nashid. Do you know what word
13 they used in Arabic to -- that translated to the westerners?

14 A. I can guess.

15 Q. I don't want you to guess.

16 A. No, I'm not sure.

17 Q. Okay. Have you seen -- in the course of your translations
18 in this case, have you seen reference to Romans as well as
19 westerners?

02:00 20 A. Yes.

21 Q. So "Roman" may be a more kind of liturgical way, more
22 historical way to refer to people from Rome?

23 A. Exactly. And I think in this case we debated what to use
24 because we don't want to deliver the wrong message and make
25 people think that -- people from Rome in this day and age. So

1 I think we went with the safe bet of "westerners" as opposed to
2 delivering the wrong message of the word "Roman."

3 MS. BASSIL: Your Honor, I move to strike this
4 translation. It doesn't appear to be a translation but a
5 decision and an opinion.

6 THE COURT: Overruled. It may stand.

7 BY MR. CHAKRAVARTY:

8 Q. And so does the song lyrics -- do they go, "Throw the fire
9 to burn the" -- do you know if you go up and down or -- "Throw
02:01 10 the fire to burn the westerners, fight those who deviated to
11 worship the cross, they fed my people their oppression for
12 ages, O people of justice, revolt like a volcano in war"?

13 MR. CHAKRAVARTY: Next page, please?

14 Q. Then does it read, "The voice of Shayikh Mus'ab
15 al-Zarqawi, may Allah bless his soul," and then there is audio
16 and this time a speech. Is that right?

17 A. Yes.

18 Q. Okay. "Who among us is like Ahmad Bin Hanbal, Ibn
19 Taymiya, and 'Iz Bin Abd Al-Salam, carrying the banner of jihad
02:01 20 for the same of Allah and a whip against the enemies of Allah?
21 The scholars left the battleground and withdrew from leading
22 the caravan and from sacrificing the soul for Allah. This was
23 not enough for them. They lashed out at the mujahideen and
24 accused them of all faults. You only hear their voices when
25 they're opposing the mujahideen. This is all under the pretext

1 of politics and civility. I don't know when they will abandon
2 the jurisprudence of defeat and the concept of weakness and
3 cowardice.

4 "Did you not hear how they condemned the slaughtering of
5 Berg, the American? They rushed to condemn it because they
6 previously refrained from killing the infidels and did not
7 smell the winds of glory. They did not pay attention to the
8 concepts of faith by which the believers rise above ignorance
9 and its people. And to Allah belongs all honor, and to his
02:02 10 messenger and to the believers, but the hypocrites do not know.
11 It is truly hard for people like them, subservient slaves, to
12 see themselves kill the American master.

13 "Yes, they nursed on disgrace from their mothers' breasts,
14 which now runs through their veins. It is time they change or
15 transform. This is the bitter truth that they don't make
16 known; instead, they hide it under the cover of jurisprudence
17 or the present it embellished with the attire of knowledge.
18 They pretended and lied that this matter is damaging to the
19 picture of Islam in the eyes of the westerners, those with the
02:03 20 delicate feelings, and that the world is reacting to the crime
21 of Abu Ghayb and Guantanamo. Then came this operation and
22 negatively affected the reaction and the compliance of the
23 people of the world. Even when the popularity of Bush, the dog
24 of the west, was at its lowest levels, the operation came and
25 raised it up as though the alleged free people of the world

1 have sharpened their swords, mobilized their brigades and
2 stretched out their necks to liberate Iraq and rescue the
3 bereaved mothers and the unwed from the prisons of subdual and
4 oppression.

5 "What is truly unfortunate and scary is that the media of
6 the sinner crusaders, with the help of our fellow citizens, was
7 able to influence the development of the Muslim personality.
8 Through intense broadcasting and the help of Arabic and
9 international stations they successfully brainwashed the
02:04 10 Muslims and influenced their thoughts. They turned thin minds
11 upside-down and their determination malicious."

12 And then does the video end after showing the scenes that
13 it depicts with just a title page that says, "Don't forget us
14 when you make your supplication. Media Institute, Mujahideen
15 Shura Council in Iraq"?

16 A. Yes.

17 Q. Let's go back for one moment to Exhibit 7 -- the one we
18 don't have a verbatim translation for, the 779A, I believe.
19 I'm sorry. 779C. And what is this?

02:04 20 A. This is the cover page of the Selection Shayikh al-Battar.

21 Q. So this is the one for which we do have the translation
22 that you read earlier?

23 A. Yes.

24 MR. CHAKRAVARTY: So go to 780C, please.

25 Your Honor, this is in evidence. I'm not going to --

1 THE COURT: I'm sorry. It is?

2 MR. CHAKRAVARTY: It is. It's not the translation;
3 it's just the original Arabic.

4 THE COURT: All right. Wait a minute. I'll display
5 it.

6 BY MR. CHAKRAVARTY:

7 Q. And what is this document?

8 A. This is the magazine cover of Sawt al-Jihad.

9 Q. All right. Can you spell Sawt al-Jihad?

02:05 10 A. S-A-W-T A-L-J-I-H-A-D.

11 Q. And did you go through and did you click on various of
12 those links that are on the left-hand side of the page?

13 A. Yes.

14 Q. And does it appear to be some kind of collection of
15 magazines?

16 A. Yes.

17 MR. CHAKRAVARTY: That's all I have for this witness,
18 your Honor.

19 THE COURT: Ms. Bassil, we're almost at eleven
02:06 20 o'clock. If you prefer, we can take the break now before you
21 begin.

22 MS. BASSIL: Sure.

23 THE COURT: All right. We'll take the morning recess
24 at this point.

25 (The Court and jury exit the courtroom and there is a

1 recess in the proceedings at 10:55 a.m.).

2 (Court and jury in at 11:27 a.m.)

3 MR. CHAKRAVARTY: With permission of the Court, there
4 was one additional translation which I neglected to
5 authenticate.

6 THE COURT: Okay. Go ahead.

7 Q. Ms. Vallee --

8 MR. CHAKRAVARTY: Call up Exhibit 55C.

9 Q. Is this a verbatim translation of another video that you
02:40 10 translated?

11 A. I'm looking at the cover page.

12 Q. I'm sorry.

13 MR. CHAKRAVARTY: Can we go to Page 2?

14 A. Yes.

15 Q. Okay. Is this a fair and accurate translation -- verbatim
16 translation of that video? Do you want to scroll through it?

17 A. Yes, please.

18 MR. CHAKRAVARTY: Can we go to the next page?

19 MS. BASSIL: Your Honor --

02:41 20 MR. CHAKRAVARTY: Next page.

21 A. Yes. I remember this one now, yeah.

22 Q. What's the name of this video?

23 A. "The Slaughterer."

24 Q. Is that Zabbah?

25 A. Zabbah, yeah.

1 Q. Is this a fair and accurate verbatim translation of that
2 video?

3 A. Yes.

4 MR. CHAKRAVARTY: I'd introduce 55C, your Honor.

5 MS. BASSIL: Your Honor, same objection.

6 THE COURT: Okay. It will be admitted.

7 (Exhibit No. 55C received into evidence.)

8 MR. CHAKRAVARTY: Thank you, your Honor. Thank you,
9 Miss Bassil.

02:41 10 CROSS-EXAMINATION BY MS. BASSIL:

11 Q. Good morning.

12 A. Good morning.

13 Q. I just want to ask you about a few of the documents, and
14 I'm not going to go over all of them, okay?

15 A. Okay.

16 MS. BASSIL: If we could have Document 1 just for the
17 witness, please.

18 Q. Now, this is -- this is an Arabic document -- this is a
19 document in Arabic that you translated, correct?

02:42 20 A. Yes.

21 Q. And this was the one that was referred to as 1A, the
22 letter from Mullah Omar?

23 A. Yes.

24 Q. Do you know who Mullah Omar was?

25 A. Not sure.

1 Q. You know he was in Afghanistan?

2 A. Yes.

3 Q. Do you know -- this was written in October -- the date on
4 this was October 2001, is that correct?

5 A. Yes.

6 Q. Thank you.

7 MS. BASSIL: If we could have the witness look at 14
8 and if we could have 14A, if you could just scroll through it
9 for the witness, just so the witness can see.

02:42 10 Q. You're familiar with that document?

11 A. Yes.

12 MS. BASSIL: If we could have 14A, please, for the
13 jury.

14 Q. This was the document you translated, and it was about 24
15 pages of Arabic, was it not?

16 A. Yes.

17 Q. Let me ask you: Is there a ratio? Is it one page of
18 Arabic to one page of English, or is it one page of Arabic
19 equals three pages of English?

02:43 20 A. There's really no numbers. It's -- you know, it depends
21 on the material you're translating.

22 Q. Now, on the bottom of this page --

23 MS. BASSIL: If we could just have that highlighted.

24 Q. That indicates -- it says this material was downloaded.

25 This is a link, is it not?

1 A. That particular sentence? I'm not sure. But the three
2 below it are links.

3 Q. Right. And you translated that this material was
4 downloaded from this website?

5 A. Yes.

6 Q. I just wanted to be clear about that.

7 A. Yes.

8 MS. BASSIL: If we could have 221, please, just for
9 the witness.

02:44 10 Q. Are you familiar with this?

11 MS. BASSIL: If you could just scroll through a few of
12 the pages for the witness just so she can see it.

13 Q. This is "Join the Caravan," correct?

14 A. Yes.

15 MS. BASSIL: If we could have 221A and if we could
16 have the last page, please. I think it's two pages.

17 Q. This document was about ten pages in Arabic, was it not?

18 A. I think so. I think it's a booklet.

19 Q. It's a booklet?

02:44 20 A. Yes.

21 Q. And it was written by Abdullah Azzam about Afghanistan,
22 was it not?

23 A. Yes.

24 Q. It was written in 1987, is that correct?

25 A. If that's what it says on it. I don't know it off the top

1 of my head.

2 MS. BASSIL: If we could have 222 for the witness,
3 please. If we could just actually show 222 to the jury. Is
4 that acceptable, your Honor? I think it was shown to them
5 before.

6 THE COURT: I think it may be in evidence.

7 MS. BASSIL: That's right. I just want to show it to
8 the jury.

9 Q. This is the page of a screen shot of a website, is it not?

02:45 10 A. Yes.

11 Q. And it's similar to -- for example, have you ever gone on
12 a website like the Boston Globe or CNN, something like that?

13 A. Yes.

14 Q. And then there may be different links that you can click
15 on, correct?

16 A. Right.

17 Q. What you were given was this screen shot only to
18 translate, correct?

19 A. Yes.

02:45 20 Q. Thank you.

21 MS. BASSIL: Could we have 701, please? Now, if we
22 could go up to the date here, if we could highlight that.

23 Q. This was an instant message that you read with Mr.
24 Chakravarty, and the date is July 11, 2006, is that correct?

25 A. Yes.

1 Q. And it's between Nussrah and Mr. Mehanna, is that correct?

2 A. Yes.

3 MS. BASSIL: If we could go back to the whole page and
4 if we could go right here.

5 Q. And it's Mr. Nussrah who uses the term "Texas Barbecue,"
6 is that correct?

7 A. In this one, yes.

8 Q. That was on July 11th, correct?

9 A. Yes.

02:46 10 MS. BASSIL: Could we have July -- I'm sorry. Could
11 we have 540, please? If we could have the very top of 540.

12 Q. This is a conversation between Abu Saqr and Mr. Mehanna on
13 July 13, 2006, is that correct?

14 A. Yes.

15 MS. BASSIL: Could we have the full page, please?

16 Q. On the bottom of the page, this is where Mr. Mehanna
17 refers to the term -- he uses the term now, two days later,
18 "Texas Barbecue Sauce," correct?

19 A. Yes.

02:46 20 MS. BASSIL: If we could have 541, please. I'm sorry.
21 686. I want to do these in order. I'm sorry. Thank you. If
22 we could have the top which shows the date.

23 Q. Again, this is a conversation between Ihab and Sayf
24 Masloul on July 13, 2006. You read this conversation with Mr.
25 Chakravarty, is that correct?

1 A. Yes.

2 Q. And this was a conversation in which the defendant used
3 the term "Texas Barbecue," correct?

4 A. Yes.

5 Q. And he used it two days after Mr. Nussrah coined the
6 phrase, correct?

7 A. Yes.

8 MS. BASSIL: And if we could have, finally, 541. If
9 we could do the date.

02:47 10 Q. This is July 14, 2006. This is the conversation between
11 Mr. Mehanna and Abu Saqr, correct?

12 A. Uh-huh.

13 Q. This was a conversation in which he uses the phrase "Texas
14 Barbecue," correct?

15 A. Yes.

16 Q. This is three days after Mr. Nussrah started that term,
17 correct -- or used that term?

18 A. Yeah. I don't know who started it, but yes.

19 Q. That's my point. You don't know who started it, correct?

02:47 20 A. No.

21 Q. The first conversation, in terms of dates, that Mr.
22 Chakravarty asked you to look at was on the July 11th, and that
23 was Mr. Nussrah using the term?

24 A. Yes.

25 Q. You had said earlier -- I'm not going to pull up the

1 exhibit, but you had said that you had a discussion whether you
2 should use the term "Westerner" or "Roman," correct?

3 A. Yes.

4 Q. In fact, the Arabic word was Ruman, correct?

5 A. Okay, yes.

6 Q. The actual literal translation is Roman, correct?

7 A. Yes.

8 Q. And you had a discussion about how you were going to use
9 that, how you were going to translate that?

02:48 10 A. Yes.

11 Q. Now, in the documents that you translated, or the ones
12 that we went over this morning, you translated portions of
13 those documents, is that correct?

14 A. The one that had the word Romans in it?

15 Q. No, no.

16 A. In general?

17 Q. I'm referring to the other exhibits.

18 A. Yes.

19 Q. You didn't translate the entire document verbatim?

02:49 20 A. No.

21 Q. What the jury has seen is just the portion of the document
22 that the U.S. Attorney's Office asked you to translate?

23 A. Correct.

24 MS. BASSIL: I have no further questions.

25 MR. CHAKRAVARTY: Nothing further.

1 THE COURT: Thank you, Mr. Vallee. You may step down.

2 MR. CHAKRAVARTY: Ann Marie Doursounian.

3 THE COURT: You remain sworn from your previous
4 appearance.

5 THE WITNESS: Okay.

6 THE COURT: Go ahead.

7 MR. CHAKRAVARTY: Thank you, your Honor.

8 ANN MARIE DOURSOUNIAN, Previously Sworn

9 CONTINUED DIRECT EXAMINATION BY MR. CHAKRAVARTY:

02:50 10 Q. Again, for the record, Miss Doursounian, you're being
11 re-called. Can you just state and spell your name, please?

12 A. Ann Marie Doursounian, D-o-u-r-s-o-u-n-i-a-n.

13 Q. And you're a linguist at the FBI?

14 A. Yes.

15 Q. There were some additional translations which, from the
16 last time you testified, you've done, some portions of which
17 you've done as verbatim translations, is that right?

18 A. Right.

19 MR. CHAKRAVARTY: I'm going to call up Exhibit 15A for
02:50 20 the witness, your Honor, and Exhibit 15, please.

21 Q. Is this a document that you translated, Exhibit 15?

22 A. It's a portion of it, yes.

23 Q. So what's depicted on the screen is the Arabic language
24 document?

25 A. Right.

1 Q. And it's a multipage document?

2 A. Right.

3 Q. This was found at the defendant's residence.

4 MR. CHAKRAVARTY: Can we go to 15A?

5 Q. You translated a portion of that?

6 A. Right.

7 Q. You did a one-page, kind of looks like the beginning
8 portion of that document --

9 A. Yes.

02:51 10 Q. -- is that fair?

11 Is this a fair and accurate Arabic-to-English translation?

12 A. It is.

13 MR. CHAKRAVARTY: I'd introduce 15A, your Honor.

14 THE COURT: Okay.

15 MR. CHAKRAVARTY: And ask to publish it.

16 (Exhibit No. 15A received into evidence.)

17 Q. Is the title of this document, "The Noble Character of the
18 Mujahid"?

19 A. Right.

02:51 20 Q. Does it say, "In the name of Allah, the most
21 compassionate, the most merciful. Introduction. Praise be to
22 Allah and the prayers and peace be upon Allah's prophet. This
23 booklet covers the virtues of Jihad and the characters of the
24 mujahideen and the reasons for victory. It covers what Allah
25 prepared for the mujahideen and the martyrs of valuable bliss

1 and the high ranks of paradise. The book was written to incite
2 the mujahideen and make them desire Jihad and have them fear of
3 sitting back from Jihad and relying on the world. May Allah
4 pray on our Prophet Muhammad and on all his family and
5 companions." Did I read that correctly?

6 A. Right.

7 MR. CHAKRAVARTY: Go to Exhibit 217A.

8 Q. Were there several computer documents that were on a CD
9 that you translated portions of?

02:52 10 A. Uh-huh.

11 MR. CHAKRAVARTY: Page 2, please.

12 Q. Is this a multipage document that is a verbatim
13 translation of Exhibit 217?

14 A. It is.

15 Q. Is this a fair and accurate translation of what's depicted
16 in Arabic on Exhibit 217?

17 A. It is.

18 MR. CHAKRAVARTY: I'd introduce 217A, your Honor.

19 THE COURT: Okay.

02:52 20 (Exhibit No. 217A received into evidence.)

21 Q. Just the title of this document, is that "The Legality of
22 Martyrdom Operations and That It is Not Self Murder"?

23 A. Yes.

24 MR. CHAKRAVARTY: Go to 220A.

25 Q. Is this another portion of a document that you translated

1 verbatim?

2 A. It is.

3 Q. Is this a fair and accurate translation of that portion
4 that you translated of Exhibit 220?

5 A. It is.

6 Q. It's, again, the English translation from the Arabic?

7 A. Right.

8 MR. CHAKRAVARTY: I'd introduce Exhibit 220A.

9 THE COURT: Okay.

02:53 10 (Exhibit No. 220A received into evidence.)

11 Q. Is this document entitled, "Bestowing the Virtues of Jihad
12 Upon the Worshippers, By: The Imam, the Martyr, Abdullah
13 Azzam"?

14 A. Right.

15 MR. CHAKRAVARTY: Can we go to Exhibit 226A?

16 Q. Is this a document for which you translated only the title
17 of the document?

18 A. Yes.

19 Q. What's depicted on 226A, that a fair and accurate
02:54 20 translation of that title of Exhibit 226?

21 A. It is.

22 MR. CHAKRAVARTY: I'd introduce 226A.

23 THE COURT: All right.

24 (Exhibit No. 226A received into evidence.)

25 Q. Is that File 226 -- the file that is in 226, is that

1 titled, "Martyrdom Operations, Peak of the Hump of Martyrdom"?

2 A. Yes.

3 MR. CHAKRAVARTY: Go to 224A.

4 Q. Is this another translation of the title of one of the
5 files?

6 A. It is.

7 Q. Is this a fair and accurate translation?

8 A. It is.

9 MR. CHAKRAVARTY: I'd introduce 224A, your Honor.

02:54 10 THE COURT: All right.

11 (Exhibit No. 224A received into evidence.)

12 Q. Is the title of Exhibit 224 "Slowly Usama"?

13 A. It is.

14 MR. CHAKRAVARTY: Exhibit 228A.

15 Q. Is this another translation of the title of one of the
16 files found on the defendant's -- on a CD on the defendant's
17 computer?

18 A. It is.

19 Q. Is this a fair and accurate translation?

02:55 20 A. It is.

21 MR. CHAKRAVARTY: I'd introduce 228A.

22 THE COURT: Okay.

23 (Exhibit No. 228A received into evidence.)

24 Q. Is the title of Exhibit 228, "Waging Jihad Outside Iraq"?

25 A. It is.

1 MR. CHAKRAVARTY: Finally, Exhibit 330A.

2 Q. Is this another file for which you did a partial verbatim
3 translation?

4 A. I did, yes.

5 Q. And the parts that you translated, are they fairly and
6 accurately a verbatim translation?

7 A. They are.

8 MR. CHAKRAVARTY: I'd introduce Exhibit 330A.

9 THE COURT: Okay.

02:55 10 (Exhibit No. 330A received into evidence.)

11 Q. Is the title of this document "Hijra," or Migration?

12 A. Right.

13 Q. Does this document read: "The global Islamic resistance
14 call urges Muslims residing in Western countries and in the
15 lands of infidelity and infidels to do two things: First,
16 migrate from infidel and polytheist countries to Muslim
17 countries even if this leads to losses of worldly things as
18 well as being subjected to the tyranny of apostate
19 governments."

02:56 20 Then I'll skip down to the second provision. "Second:
21 The resistance call reminds every Muslim residing in the lands
22 of the West even those who are natives of this land that the
23 duty to fight Jihad against the governments of those infidel
24 invader countries which are part of the American and Jewish
25 alliance is his individual duty, just like every Muslim

1 everywhere. Fulfilling this duty is easier on them than the
2 mujahideen who are not residents and who visit these countries
3 to prevent the governments from attacking Muslims. They have
4 to resist these governments, fight Jihad against them and their
5 interests and target their rulers as well as their political
6 and economic powers through the ruling of the Islamic law and
7 the distinction between who deserves to be targeted and who
8 does not." Did I read that correctly?

9 A. You did, yes.

02:57 10 MR. CHAKRAVARTY: Go to Exhibit 371A, Page 2, please.

11 Q. Is this a translation -- a verbatim translation of what
12 appears in Exhibit 371?

13 A. It is.

14 MR. CHAKRAVARTY: Can we go to 371 just to show it's a
15 web page?

16 Q. This is what you translated?

17 A. Yes, I did.

18 MR. CHAKRAVARTY: 371A.

19 Q. Is this a fair and accurate Arabic-to-English
02:57 20 translation --

21 A. It is.

22 Q. -- of what we just saw in Exhibit 371?

23 A. It is.

24 MR. CHAKRAVARTY: I'd introduce 371A.

25 THE COURT: All right.

1 (Exhibit No. 371A received into evidence.)

2 Q. Does this read, "As-Sahab Media presents: The War of the
3 Oppressed in Kunar Operation. The War of the Oppressed: High
4 quality, excellent quality, good quality, or mobile quality.
5 Version distributed by the Al Ansar Islamic Forum." Did I read
6 that correctly?

7 A. Right.

8 MR. CHAKRAVARTY: If we could go to 777A.

9 Q. These next two documents, they are largely in English, but
02:58 10 there were portions which were transliterated Arabic. Did you
11 translate the Arabic portions into English?

12 A. I did.

13 Q. Are those depicted in blue coloring on the screen?

14 A. They are, yes.

15 Q. Is this document a fair and accurate verbatim translation
16 of all of the Arabic that appears on this document?

17 A. It is, yes.

18 Q. With regards to 778A, is this, similarly, for those
19 portions that are in Arabic, did you verbatim translate those
02:58 20 into English?

21 A. I did.

22 Q. Is this also a fair and accurate translation of the Arabic
23 in this document?

24 A. It is, yes.

25 MR. CHAKRAVARTY: I'd introduce 777A and 778A.

1 THE COURT: Okay.

2 (Exhibit No. 777A received into evidence.)

3 (Exhibit No. 778A received into evidence.)

4 MR. CHAKRAVARTY: That's all I have, your Honor.

5 CROSS-EXAMINATION BY MS. BASSIL:

6 Q. Good morning.

7 A. Good morning.

8 MS. BASSIL: Could I have Exhibit 15, please, for the
9 witness?

02:59 10 Q. You translated this into 15A, is that correct?

11 A. Yes, I did.

12 Q. Does that indicate that this was written by President of
13 the High Judicial Court of Chechnya? Do you need it bigger?

14 A. Yes, it does. Well --

15 Q. So this was a document written by someone from Chechnya,
16 is that correct?

17 A. The name is there, yes.

18 MS. BASSIL: If I could have Exhibit 220 and if you
19 could just scroll through it so just the witness can take a
03:00 20 look at it.

21 Q. This was a fairly lengthy Arabic document, was it not?

22 A. Yes, it was.

23 Q. You translated just one page from it, is that correct?

24 A. I only translated the points, the bullet points -- not the
25 bullet points, the head, the numbers, what each one is without

1 going into the details, yes.

2 Q. Okay. So there were numbers -- numbered paragraphs?

3 A. Right.

4 Q. And you translated what? The first sentence of each
5 numbered paragraph or the title of each numbered paragraph?

6 A. The header, right.

7 Q. The header. And not the rest of it?

8 A. No.

9 MS. BASSIL: And then, finally, if we could have
03:01 10 Exhibit 228. You can see -- if we could have that go to
11 everyone, your Honor.

12 Q. This is a website page, is it not? It's a screen shot of
13 a website?

14 A. It appears that way, yes.

15 Q. You selected the heading of an article from -- that was
16 posted on this site, is that correct?

17 A. Right.

18 Q. And you did not translate a separate document that
19 indicated exactly what that article was, correct?

03:01 20 A. No.

21 Q. All you translated were the lists that were on here?

22 A. I translated the top in blue.

23 Q. Okay.

24 A. All the way to the second word in the second line.

25 Q. All right. And so --

1 A. And the title.

2 Q. As I understand it, the documents in blue here are topics
3 that you could click on on a website?

4 A. They are, but I didn't translate that. Yes, they are.

5 Q. You didn't translate the documents themselves?

6 A. Right, right.

7 Q. So, in fact, what you translated were portions of
8 documents that -- the United States Attorney's Office has
9 picked out those portions for you to translate?

03:02 10 A. I was presented with these documents, and I -- yes, I
11 translated what I was asked, yes.

12 Q. Which were portions? You can say it. They were portions?

13 A. They were portions. They were the titles. This was the
14 title.

15 Q. Not the full article?

16 A. No.

17 Q. Portions?

18 A. Right.

19 Q. Thank you.

03:02 20 MS. BASSIL: I have no further questions.

21 MR. CHAKRAVARTY: Nothing further.

22 THE COURT: All right. Miss Doursounian, thank you.
23 You may step down.

24 MR. CHAKRAVARTY: The government calls Kareem
25 Abuzahra.

1 MR. CARNEY: May we approach, please?

2 THE COURT: All right.

3 (SIDEBAR CONFERENCE AS FOLLOWS:

4 MR. CARNEY: Your Honor, I've been given a number of
5 exhibits that they wish to introduce through this witness. I
6 would like to bring three objections to your attention so that
7 your Honor has a chance to either rule on them or consider
8 them. They're in sequence, your Honor. I'm presenting them
9 before you.

03:04 10 THE COURT: This is the number?

11 MR. CARNEY: Yes, it's 364, 5, and 6. The basis of
12 the objection is that there are antigay references throughout
13 the three of them, and I just don't believe that the homophobia
14 is a consideration here. It would only be prejudicing. All
15 three were sent by the defendant.

16 MR. CHAKRAVARTY: The reason they're being offered is
17 obviously not for the gay references. But this is the four
18 people who participated in the planning for the Yemen trip, all
19 having conversations which thematically are anti-American,
03:04 20 supportive of Jihad. And the fact that they chose to use
21 homosexual references and pejorative terms, frankly, is
22 incidental to the fact that what they're talking about is the
23 fact that America is doing bad things in the Muslim world.
24 That is the motivation that goes to the mindset before they
25 walk in there and talk about the terrorist conspiracy.

1 THE COURT: Who's Rabbani?

2 MR. CHAKRAVARTY: Rabbani was one of the post-Afghan
3 Civil War leaders who we allied with -- the U.S. Government
4 allied with in the alliance.

5 THE COURT: This is -- the three are from November
6 2001, December 2001, and January 2002. Is it -- well, okay.
7 Let me hear you.

8 MR. CARNEY: If the government is offering this
9 evidence to show that the defendant supported Jihad, I think
03:07 10 we're way past any question that he supported Jihad.

11 MR. CHAKRAVARTY: The important thing about the
12 timing, your Honor, not only is it these particular people but
13 in that period of time when this witness was living in Jordan,
14 overseas, during the -- the fact that they were staying in
15 communication about this very same thing that they had
16 discussed before, and they would continue to discuss, is the
17 germane aspect of it that we're offering it for. I don't have
18 to read the poems necessarily. It's the fact that the
19 defendant is sending them. It's the fact that it's to the
03:08 20 select people, and during that time, post-9/11, when he was not
21 here yet, comes back, and then he immediately strikes up the
22 friendship with them. So it's that relationship.

23 THE COURT: I think the probative value outweighs the
24 prejudice. "Hassan" is Hassan Masood?

25 MR. CHAKRAVARTY: Yes.

1 THE COURT: This is the period before the trip, I
2 guess, right? This is three months before the trip to Yemen?

3 MR. CARNEY: I believe the trip to Yemen --

4 THE COURT: February 2002 or February of --

5 MR. CHAKRAVARTY: 2004.

6 THE COURT: I see. I'm sorry.

7 MS. BASSIL: February 2004.

8 MR. CHAKRAVARTY: It is right -- before the trip to
9 Yemen, there were a series of events. One of them is
03:08 10 Abousamra's trip to Pakistan, which this is before, in fact
11 right before Abousamra goes to Pakistan. This witness wasn't
12 even in the country yet. He was still -- the point of this is
13 he was still in the loop. He's kind of knowing what's going
14 on. He's not going to say that he knew that Abousamra is going
15 on the first trip. It's before the domestic -- kind of the
16 conversations about domestic acts of violence. It's during the
17 conversations about --

18 THE COURT: I think it's still -- it can be used. The
19 objection is overruled.

03:09 20 MR. CARNEY: The government said they're not going to
21 read it, but they're offering it in evidence, right, so that
22 the jury will be able to read it?

23 MR. CHAKRAVARTY: Yes. We're not going to read the
24 poem.

25 THE COURT: I think they're not going to read is not a

1 substantial concession.

2 MR. CARNEY: It threw me off one time, and I just
3 wanted to clarify.

4 THE COURT: I don't regard that as a substantial
5 concession.

6 MR. CARNEY: I would say that the basis for my
7 objection is that the character assassination aspect of it goes
8 beyond what has occurred already. We've now had slurs against
9 Christians, Jews, Indians. Now we're going into gays. And I
03:10 10 move for a mistrial on that basis also, please.

11 THE COURT: Okay. That will be denied. The reason I
12 think it's probative is that it is, I think, probative of the
13 existence of the conspiracy that the government alleges among
14 the principal participants.

15 MR. CARNEY: Well, if this is what's going to go in,
16 they might as well read it because, if they don't read it, I'm
17 going to. Thank you.

18 . . . END OF SIDEBAR CONFERENCE.)

19 THE CLERK: Sir, want to step up here, please. Step
03:11 20 up to the box. Remain standing and raise your right hand.

21 KAREEM ABUZHARA, Sworn

22 THE CLERK: Please be seated. State your name and
23 spell your last name for the record.

24 THE WITNESS: Kareem Abuzahra, A-b-u, dash, z-a-h-r-a.

25 DIRECT EXAMINATION BY MR. CHAKRAVARTY:

1 Q. Good afternoon, Mr. Abuzahra.

2 A. Good afternoon.

3 Q. I please ask you to keep your voice up. Speak slowly. Be
4 mindful of the court reporter.

5 Can you tell the jury where you live?

6 A. In Lynnfield, Massachusetts.

7 Q. How long have you lived there?

8 A. I've lived there since 2002.

9 Q. Who do you live there with?

03:12 10 A. With my wife and children.

11 Q. How old are your kids?

12 A. Seven and nine.

13 Q. Where were you born?

14 A. Born in Salem, Massachusetts.

15 Q. Where did you grow up?

16 A. Salem, Massachusetts, and later Wakefield, Massachusetts.

17 Q. What is your ancestry?

18 A. Palestinian.

19 Q. Where did you go to high school?

03:12 20 A. Saint John's Prep.

21 Q. When did you graduate?

22 A. 1997.

23 Q. What did you do after high school?

24 A. After high school, I went to -- attended college for a
25 year in Long Island, and then I continued in Lowell.

1 Q. What school did you go to in Long Island?

2 A. Stony Brook.

3 Q. What did you study at UMass?

4 A. Computer science.

5 Q. Did you graduate from UMass?

6 A. Yes.

7 Q. What year?

8 A. 2001.

9 Q. Did you obtain a degree?

03:13 10 A. I did.

11 Q. What in?

12 A. A bachelor's in computer science.

13 Q. Did you continue your studies at UMass?

14 A. I did.

15 Q. In what?

16 A. Computer science. I got a master's in computer science.

17 Q. When did you get that?

18 A. In 2008.

19 Q. Did you work during college?

03:13 20 A. I did.

21 Q. What did you do?

22 A. I worked as a programmer for UMass Lowell.

23 Q. Is that throughout your college experience?

24 A. Yes.

25 Q. Including your graduate studies?

1 A. Yup.

2 Q. Did you pursue postgraduate education?

3 A. I'm currently working on a Ph.D. in computer science.

4 Q. Where?

5 A. At UMass Lowell.

6 Q. Where do you work?

7 A. UMass Lowell.

8 Q. What is your job there?

03:14 9 A. I'm -- it's programming and directing the technical
10 operations of the website.

11 Q. You said you're studying for your Ph.D.?

12 A. Yes.

13 Q. What is your particular subject matter in your Ph.D.?

14 A. It's individualization.

15 Q. What does that mean?

16 A. It deals with how the -- people interact with programs and
17 different interfaces. It deals a little bit with the
18 physiology of how people interpret signals and also the
19 psychology of the way people interpret things.

03:14 20 Q. About the internet web experience?

21 A. In general, computer interfaces in general.

22 Q. Now, did you finish your undergraduate studies in 2001?

23 A. Yes.

24 Q. At some point, did you leave Massachusetts?

25 A. I did.

1 Q. When?

2 A. I left -- I finished my studies in August of 2001, and I
3 left in September to go to Jordan.

4 Q. What was in Jordan?

5 A. I went there -- I went to get married. So I went to
6 Jordan looking for a wife. I spent a month there looking for a
7 wife. I found someone. We got engaged. I came back to the
8 States for a month, then I went to Jordan again.

9 Q. Did you have family in Jordan as well?

03:15 10 A. I did.

11 Q. You said you went back to Jordan again?

12 A. Yes.

13 Q. With your -- where your wife was?

14 A. Yes.

15 Q. What did you do when you went back the second time?

16 A. I continued to work remotely as a contractor for the
17 university, and then I -- I was also looking for a job there at
18 the same time.

19 Q. What kind of job?

03:15 20 A. Something dealing with programming computers.

21 Q. Did you want to live overseas?

22 A. At the time, yes, I went there for the purpose of living
23 there.

24 Q. Did you know your wife before you went to Jordan the first
25 time?

1 A. No.

2 Q. So is it customary to make acquaintance in that compressed
3 time frame?

4 A. Yeah. So it's -- what typically happens is your family
5 will ask around, seeing who else is -- kind of other people
6 that have available -- you know, looking -- available --
7 potential spouses. My mom had a bunch of people. She talked
8 to some relatives over there. Then I just went and saw -- I
9 met a few of them until I found someone. We kind of hit it
03:16 10 off. We continued more with talking. Then we decided to get
11 engaged and continue and to see if that could lead to marriage.

12 Q. How long did you intend to live overseas?

13 A. I went there with no kind of time frame in mind.

14 Q. What types of jobs were you looking for over there?

15 A. Programming jobs, something dealing with computers.

16 Q. Did you travel anywhere else in the Middle East to find --

17 A. I got -- I briefly got a job that was in Jihanakis (ph).
18 The place was headquartered in Jordan, but they had an office
19 in Qatar. So I went there for -- if I went there for -- to
03:17 20 start the job there. After a week or two, I quit because I
21 didn't like it. I spent another few weeks there trying to find
22 another job there. I couldn't find another job there. So I
23 returned back to Jordan. So the whole time frame in Qatar was
24 less than a month. I think it was 30 days. At that point, I
25 decided I couldn't find a job in two different countries there.

1 So I decided to come back.

2 Q. Are you fluent in any other languages?

3 A. I'm fluent in Arabic.

4 Q. Did you use those Arabic language skills while you were
5 overseas?

6 A. Yes.

7 Q. Where were you on September 11, 2001?

8 A. I was in Jordan.

9 Q. So when did you come back?

03:17 10 A. I came back the end of the month.

11 Q. End of which month?

12 A. End of September.

13 Q. So you went the first time to find a wife?

14 A. Yes.

15 Q. And you came back at the end of September?

16 A. At the end of September, the beginning of October.

17 Q. Then you returned to Jordan?

18 A. Yes.

19 Q. For how long?

03:18 20 A. So I returned in, I believe, November, and I was there
21 until July of 2002.

22 Q. Did you return to your work at UMass when you --

23 A. Yes.

24 Q. It's basically that job that you've now continued to do
25 all these years?

1 A. Yes.

2 Q. I assume elevated and taken more responsibilities?

3 A. Yes.

4 Q. Okay. I draw you now to your involvement in this case.

5 Back in August of 2006, were you approached by the FBI and
6 interviewed?

7 A. Yes.

8 Q. Were you asked about a trip that you took in 2004?

9 A. Yes.

03:18 10 Q. Did you tell the FBI the truth about that trip?

11 A. No.

12 Q. Why not?

13 A. It was -- I didn't believe it was in my best interest to
14 tell them the truth of the trip.

15 Q. What was the truth of the trip?

16 MR. CARNEY: I object.

17 A. The truth -- we --

18 THE COURT: Rephrase the question.

19 Q. What was that trip for?

03:19 20 A. We went there for the purpose of finding a terrorist
21 training camp.

22 Q. What did you hope to do getting that training?

23 A. Eventually to go get into Iraq.

24 Q. Who did you go with?

25 A. I went with Tarek Mehanna and Ahmed Abousamra.

1 Q. Did you discuss a cover story?

2 A. Yes, we did.

3 Q. What was it?

4 A. The story was that we'd -- we were going to Yemen to
5 explore some Islamic schools there, some Arabic language
6 schools.

7 Q. Did you tell the FBI that cover story?

8 A. Yes.

9 Q. When you came back, did you tell the Customs personnel
03:20 10 that cover story?

11 A. Yes.

12 Q. Did you tell people in the community that cover story?

13 A. I didn't talk to anyone in the community about the trip.

14 Q. After this approach by the FBI in August of 2006, did you
15 get a lawyer?

16 A. Not initially but soon after.

17 Q. What happened that prompted you to get a lawyer?

18 A. So as soon as I spoke with -- the FBI agents approached me
19 in August, somewhere in August. Soon after, I went with my
03:20 20 wife to Canada on a -- just a vacation, small vacation in
21 Canada. On the way back, I was stopped at the border for four
22 and a half hours, and the -- after a little bit, I was asking
23 the -- the first 20 minutes, half an hour, okay. After a
24 while, I started asking questions about why I was stopped and
25 detained. He just kept giving me stories that were obviously

1 false.

2 Q. And so you got a lawyer after that, sometime after that?

3 A. Sometime after that. I realized that it was -- the
4 interest in me by the government was more than what I initially
5 suspected.

6 Q. Later that year, a few months later, in October of 2006,
7 did you come in and meet with the FBI and the U.S. Attorney's
8 Office?

9 A. I don't remember the exact month but soon after, yes.

03:21 10 Q. And did you discuss what happened with your lawyer? Don't
11 go into the details of what you discussed. But did you talk to
12 your lawyer before you came in to talk to us?

13 A. Yes.

14 MR. CHAKRAVARTY: I call up Exhibit 485.

15 Q. You recognize this letter?

16 A. Yes.

17 MR. CHAKRAVARTY: Can we go to the last page?

18 Q. You recognize on the last page your signature on the
19 letter?

03:22 20 A. Yes.

21 Q. What do you recognize this letter to be?

22 A. The immunity agreement I had with the government.

23 Q. So you were offered this letter before you told us what
24 happened?

25 A. Yes.

1 Q. What do you understand your obligation under the letter to
2 be?

3 A. To cooperate with the government in this case.

4 MR. CHAKRAVARTY: I'd ask 485 be introduced, your
5 Honor.

6 THE COURT: All right.

7 MR. CARNEY: No objection, your Honor.

8 (Exhibit No. 485 received into evidence.)

9 MR. CHAKRAVARTY: First page, please.

03:23 10 THE COURT: You want it displayed?

11 MR. CHAKRAVARTY: Yes, please. I'm sorry. Thank you.

12 Q. Does the first paragraph read: "Your client agrees to
13 cooperate fully with law enforcement agents and government
14 attorneys. He must provide complete and truthful information
15 to all law enforcement personnel. If his testimony is
16 requested, he must testify truthfully and completely before any
17 grand jury and at any hearing and trial. Your client must
18 answer all questions put to him by any law enforcement agents
19 or government attorneys and must not withhold any information.
03:23 20 He must not attempt to protect any person or entity through
21 false information or omission or to implicate falsely any
22 person or entity. Upon request, he must furnish all documents,
23 objects and other evidence in his possession, custody or
24 control that are relevant to the government's inquiries."

25 MR. CHAKRAVARTY: Can we go to Paragraph 3? Page 2.

1 Q. "If your client knowingly provides false or misleading
2 testimony or information, commits any crime chargeable as a
3 felony under state or federal law after the date of this
4 agreement, or otherwise violates any term of this agreement,
5 then this agreement shall be null and void. In such an event,
6 any testimony or other information provided by your client may
7 be used against him without limitation for purpose in any
8 proceedings."

9 You described this as an immunity letter. What is your
03:24 10 understanding about what the government can do with the
11 information that you have given us?

12 A. My understanding, that if I -- any information that I
13 provide, any crimes that I may have committed, it will not be
14 held against me as long as I uphold my end of the agreement,
15 based on Paragraph 1 and 3, providing the truth and providing
16 any documents, testifying in grand jury and the trial. And if
17 I break my agreement, then anything that I've told them can be
18 used against me in any trial against myself or any other
19 purpose.

03:24 20 Q. I'm going to draw your attention now to Tarek Mehanna. Do
21 you know him?

22 A. Yes.

23 Q. You see him in the courtroom?

24 A. Yes.

25 Q. Can you point to him and identify something he's wearing?

1 A. He's the gentleman sitting closest to me in the second
2 table, wearing the gray suit.

3 MR. CHAKRAVARTY: Ask that the record reflect he's
4 identifying the defendant.

5 THE COURT: All right.

6 Q. How do you know him?

7 A. We've known each other for a long time. Our families were
8 friends back when we were younger. So I've known him -- I
9 can't remember when I first met him. I've known him since I
03:25 10 was a child.

11 Q. What kind of interaction did you have as a kid?

12 A. Not too much. We'd see each other at dinner parties and
13 played together as kids play together and that's it.

14 Q. Did you go about your separate ways as you grew older and
15 went to college?

16 A. Yes.

17 Q. At some point, did you reestablish a relationship?

18 A. Yes.

19 Q. When was that?

03:25 20 A. In 2000, probably around mid-2000.

21 Q. How did you reestablish your relationship?

22 A. So at the time, you know, we kind of went our separate
23 ways. I don't know what he was doing, but I was not really
24 that religious. I was doing my own thing, living my own life.
25 At some point in early 2000, I kind of found religion again. I

1 became more religious. And I saw him -- one time I saw him
2 coming out of a mosque, and I was kind of -- I was there, and I
3 kind of recognized the same kind of symbols of, you know, being
4 religious and that kind -- we kind of recognized each other as
5 kind of finding our religion again. So we kind of rekindled
6 our relationship after that.

7 Q. What were those symbols that indicated to you that the
8 defendant was also becoming more religious?

9 A. Mostly would be having the longer beard.

03:26 10 Q. So as you rekindled your relationship, how frequently
11 would you meet with him?

12 A. At least once -- on average, once a week.

13 Q. What kinds of things would you talk about?

14 A. So we talked about religion, obviously. We'd talk about
15 small talk, things that -- what happened to me today or
16 something happened on the highway on your way. We talked about
17 current events, anything that -- kind of water-cooler talk.

18 Q. What types of activities would you engage in?

19 A. It mostly would be just talking. We'd go to have dinner
03:27 20 sometimes, going to the mosque, that kind of stuff.

21 Q. Sort of hanging out?

22 A. Yes.

23 Q. Where would you hang out?

24 A. Hang out at my house, at his house, hang out at the
25 Wayland mosque, places around that area.

1 Q. Are you familiar with Ahmad Abousamra?

2 A. Yes.

3 Q. How are you familiar with him?

4 A. I met him in the later part of 2000.

5 MR. CHAKRAVARTY: Call up Exhibit 741.

6 THE COURT: I'm sorry.

7 Q. Is this him?

8 A. Yes.

9 Q. When you met him, did he have the longer beard or the
03:28 10 shorter beard?

11 A. The longer beard.

12 Q. Describe how you met Mr. Abousamra.

13 A. I heard about him before through some of our mutual
14 friends. And then one time I just -- I don't know if I was
15 specifically invited or not, but he had a dinner party, and I
16 was invited to his -- I went to his house, participated in
17 that.

18 Q. Would he join you and the defendant in your hanging out?

19 A. Yeah. Eventually, we formed a close relationship.

03:29 20 Q. What was the basis of your relationship with him?

21 A. It formed initially just because we kind of were
22 practicing the religion more than the others in our community.

23 Q. Is that the same basis of the relationship with the
24 defendant?

25 A. Yes.

1 Q. How frequently would the three of you get together?

2 A. Once I made kind of -- hooked up with Ahmad Abousamra, I
3 got to know him better, we would -- it was the same thing,
4 around -- on average, once a week, sometimes more often.
5 Sometimes we'd skip a week but, on average, once a week.

6 Q. When you first started meeting together, did the topic of
7 Jihad come up?

8 A. I don't believe it came up initially, no.

9 Q. So it was just general religious topics?

03:29 10 A. Yes.

11 Q. Where did the defendant live?

12 A. In Sudbury.

13 Q. Where did Abousamra live?

14 A. In Stoughton.

15 Q. Where did you live?

16 A. In Lynnfield.

17 Q. So where would you meet?

18 A. Oftentimes we'd meet somewhere close to where they lived
19 because they were just geographically closer to each other. So
03:30 20 it made more sense for me to go there.

21 Q. Do you know what the relationship was between the two of
22 them?

23 A. Beyond just the same relationship I had with them, I don't
24 know of anything else.

25 Q. I guess what I was getting at: Do you know if they had a

1 closer relationship with each other than they did with you?

2 A. Initially, I don't believe so, but I think over time
3 because they were just close together. They'd tell me stories
4 about what happened when they were together. So they would
5 hang out more often than I would with them.

6 Q. Did they know each other for longer?

7 A. I believe that Tarek knew him a little bit before I knew
8 him.

9 Q. So at around this time, in addition to the defendant and
03:30 10 Mr. Abousamra, did you develop an inner circle of friends?

11 A. Eventually, over time we did formulate a circle of kind of
12 -- we'd meet with ourselves and discuss certain topics
13 different than with other people.

14 Q. Who, aside from Abousamra and the defendant, would you
15 consider in -- if anyone, would you consider in your inner
16 circle of friends?

17 A. Hassan Masood.

18 MR. CHAKRAVARTY: Can we call up 759?

19 Q. Is this him?

03:31 20 A. I've never seen him like this, but it looks like it's a
21 good -- it did -- I can sort of recognize it. If you didn't
22 tell me it was him, I might not recognize him.

23 Q. How does this picture differ from your memory of this
24 person?

25 A. The hair and the beard. He had a longer beard at the

1 time.

2 Q. How did you know him?

3 A. He was -- he lived in Sharon. He was close to Ahmad, and
4 they were kind of -- the same thing, mutual friends. We got to
5 know each other just being part of that -- there was a -- the
6 crowd on the South Shore. So just kind of being involved in
7 that crowd, I met him through them, through Tarek and Ahmad.

8 Q. Again, just to orient the time line, around what time
9 frame did the four of hang out?

03:32 10 A. It would be in the later part of -- like, mid to late
11 2000, going on.

12 Q. Now, you said earlier that you went to Jordan in September
13 of 2001?

14 A. Yes.

15 Q. Between the time that you just mentioned, late 2000, to
16 the time that you left to go to Jordan, how would you describe
17 the nature of your relationship with these three?

18 A. I was closer to Ahmad and Tarek than with Hassan. We
19 still -- by the time I left, we had developed our, as you
03:32 20 mentioned -- as you described, like, an inner circle of friends
21 where we'd discuss certain topics that we wouldn't discuss with
22 others.

23 Q. What topics?

24 A. Namely Jihad would be kind of the separating fact from
25 what we would discuss among ourselves compared to other people.

1 Q. When you say you discussed Jihad, what do you mean?

2 A. About the term or the nature of the discussions?

3 Q. The nature of the discussions.

4 A. So we discussed it more in depth than with other people.
5 We'd discuss, you know, how people go about participating in
6 Jihad, where the Jihad is going on currently. We'd discuss the
7 virtues of it and our kind of desire to participate in it,
8 like, on an academic level as well.

9 Q. And then so to ask the other question, which is: What did
03:33 10 Jihad mean to you when you were talking about it with the three
11 of these guys?

12 A. It can be a general term. But when we were talking about
13 it, we'd mean it in the term of fighting for the sake of God.

14 Q. That was the context in which you were having those
15 discussions?

16 A. Yes.

17 Q. Did you maintain contact with the defendant, Abousamra,
18 and Masood when you went over to Jordan?

19 A. Only with the defendant and Ahmad Abousamra.

03:34 20 Q. What kinds of -- what kind of contact did you have with
21 them?

22 A. Email mostly. We wouldn't email -- it was infrequently,
23 but I'd email them -- every now and then I'd email them.

24 Q. And sometimes would they respond?

25 A. Yes.

1 MR. CHAKRAVARTY: Call up Exhibit 364.

2 Q. Is this an email from Tarek Mehanna to you, Hassan, and
3 Ahmad Abousamra?

4 A. Yes.

5 THE COURT: Let me just clarify. I have listed this
6 was admitted as part of the bulk admission. We've considered
7 the matter and the objection was overruled. So it will be --
8 you want it displayed, I assume?

9 MR. CHAKRAVARTY: Yes, please.

03:35 10 THE COURT: Okay.

11 Q. Just to clarify the email addresses, your name, as well as
12 an email address is listed; Hassan, without a last name, as
13 well as an email is listed. Is that Hassan Masood's email?

14 A. Yes.

15 Q. Was it at that time?

16 And then Ahmad Abousamra's name and then an email address
17 is listed. Do you recognize that to be Ahmad Abousamra's
18 email?

19 A. Yes.

03:35 20 Q. Is this the type of email that you would receive from the
21 defendant while you were overseas in Jordan?

22 A. I don't recall these so much. Every now and then, I'd
23 have -- like, if I had a religious question, I'd email Ahmad
24 and he'd respond. I know that sometimes we'd share humorous
25 emails between ourselves. So I don't know if I would classify

1 this as typical or not.

2 Q. So this is more of like a silly type of email between the
3 three -- four -- three of you?

4 A. It's -- I don't know if "silly" is the right term. It
5 would have -- the contents would be there, but it would be
6 presented in a kind of humorous fashion.

7 MR. CARNEY: Your Honor, I'd ask that the jury see the
8 entire email. It's approximately a paragraph.

9 MR. CHAKRAVARTY: I'm going to read this first portion
03:36 10 and then --

11 THE COURT: Go ahead. I'm sure it will be exposed at
12 some point. Let the prosecutor do it the way he's planned it.

13 Q. In this email, does the defendant write: "Assalaam
14 alaykum. Once again, I feel compelled by al-Rooh al Quddoos.
15 May Allah accept this and destroy all homosexuals in the U.S.
16 Army or otherwise. Here goes..." Then there's a poem written
17 here, and then it's signed by Tariq, is that right?

18 A. Yes.

19 Q. I'm not going to go through the -- reading the poem.

03:37 20 MR. CHAKRAVARTY: Go to 365.

21 Q. Again, is this another email that, while you were in
22 Jordan, the defendant sent you, Hassan Masood, and Ahmad
23 Abousamra, this one on December 9, 2001, is that right?

24 A. Yes.

25 Q. In this one, does the defendant write: "Assalaam alaykum.

1 Since I have no other options, the only way I can attack and
2 humiliate the enemies of Allah and mine is through writing. So
3 this is about the real reason behind America's war against the
4 Taliban. From now on, every time you see or hear Bush on the
5 news, remember this and know the truth behind the war on
6 terrorism." Then, again, he writes a poem. Then he signs it
7 "Tariq," is that right?

8 A. Yes.

9 MR. CHAKRAVARTY: And then Exhibit 366, please.

03:37 10 Q. Again, is this another email that the defendant sent you,
11 Masood, and Abousamra while you were in Jordan on November 18,
12 2001?

13 A. (No response.)

14 Q. In this one does he write: "Assalaam alaykum. Here's a
15 poem I wrote recently about the Northern Alliance. May Allah
16 reject and humiliate them," and then again another poem, is
17 that right?

18 MR. CARNEY: Your Honor, excuse me. I object and ask
19 that under the rule of verbal completeness, since the part read
03:38 20 by the government applies directly to what follows, then I
21 submit that the rule of verbal completeness should lead all
22 three of these to be read so the jury knows right now what it
23 says.

24 MR. CHAKRAVARTY: Your Honor, I'd rather not waste
25 the --

1 THE COURT: Okay. I think it's a matter for
2 cross-examination.

3 MR. CHAKRAVARTY: They're going to the jury. They get
4 to read them.

5 Q. So these emails --

6 MR. CHAKRAVARTY: You can take it off.

7 Q. They were not representative of the types of emails that
8 you would -- communications you would have with the defendant?

9 A. When you say "communications" I would have with him, it's
03:39 10 -- emails regarding specific matters, I wouldn't -- so it
11 wasn't typical of the kind of inner communication between
12 ourselves.

13 Q. These were --

14 A. At least from me. Now that you see these, I recognize
15 them but I don't -- I can't say that I got these all the time
16 and this was a typical thing that we would be emailing each
17 other about.

18 Q. In the course of your relationship with the defendant,
19 would you receive both personalized emails as well as kind of
03:39 20 mass emails?

21 A. Can you clarifying what you mean by "personalized"?

22 Q. I mean emails to you, direct communication about responses
23 to a question that you had or responding to some dialogue that
24 you were having?

25 A. Which time frame?

1 Q. In the course of your relationship with him.

2 A. We didn't communicate too much personally when I was in
3 Jordan. And when I was -- when I returned back to the United
4 States, we were seeing each other quite often. There wasn't a
5 need for emails. Most of the -- if I got anything, it could
6 kind of be part of the mass email and not anything personal.

7 Q. How would you characterize your mindset with regards to
8 the American military when you went over to Jordan?

9 A. When I initially went over to Jordan, I didn't really have
03:40 10 an opinion of it. It wasn't an issue that was brought up at
11 the time.

12 Q. And then September 11th happened?

13 A. Yes.

14 Q. And then America invaded Afghanistan. And then you
15 returned from Jordan?

16 A. Yes.

17 Q. Did you have conversations with the defendant and
18 Abousamra about the American involvement in Afghanistan?

19 A. Yes.

03:40 20 Q. Describe generally those conversations.

21 A. So in -- generally we are talking about how America has
22 invaded a Muslim nation, how the goal wasn't an attack against
23 -- they were kind of not justified in doing that, you know,
24 saying the Taliban offered to -- if they had proof that Osama
25 bin Laden did it, they were offering to try him. There was no

1 reason for them to just invade. It was an attack. We saw it
2 as an unjustified attack against a Muslim nation.

3 Q. At the same time, did you have any feelings about
4 September 11th?

5 A. Yes.

6 Q. What were they?

7 A. So at the time, we celebrated the attacks. We saw them as
8 a good thing that happened. We also looked at it kind of like
9 a David and Goliath thing, saying that the Americans have been
03:41 10 pushing around everybody for so long, finally someone was able
11 to get back at them. So we would justify them. We -- in
12 general, that was our feelings.

13 Q. Now, you mentioned earlier that you had your inner circle
14 of friends and then some people around whom you wouldn't have
15 the same conversations?

16 A. Correct.

17 Q. Where was the line? Around what types of conversations
18 wouldn't you have with a broader group?

19 A. So with -- we kind of had different, I guess, layers of
03:42 20 friends. So between ourselves, we'd talk about -- I guess we
21 can -- between ourselves, we'd talk about different things from
22 people on the outside. In general, we'd try to avoid talking
23 about Jihad and especially the people we weren't sure of,
24 somebody that we'd just know, in general, people that -- it was
25 a touchy subject. At the time, we had the Patriot Act. We had

1 people being tried all the time.

2 So we -- we wouldn't just be talking -- we had -- there
3 was a case about -- I think in Virginia people were arrested
4 for playing paint ball. It's -- people play paint ball in
5 Massachusetts, too. So we were kind of worried about the
6 general Muslim population. On the other level, with people we
7 felt a little bit closer to, we felt more comfortable with, we
8 discussed Jihad in an academic sense, in a general sense. We
9 wouldn't talk about specifically what was going on, you know,
03:42 10 in Iraq or in Afghanistan or we should do this or we should do
11 that. So we'd talk about it, but we'd leave it less specific,
12 more academic.

13 Then between ourselves, we'd talk more about actually ways
14 that people can participate in Jihad. We'd talk at length the
15 virtues of it and how we desired to do it. That's kind of what
16 would kind of separate us from the other types of discussions
17 we would have with other people.

18 Q. Did you have a particular mindset that the three of you
19 shared?

03:43 20 A. You could say that.

21 Q. How would you describe that?

22 A. In the -- I guess the best way to describe it is -- I'm
23 sure you'll ask me if it hasn't come up or not. We were kind
24 of the Salafi mindset, the methodology, which is more of
25 literal interpretation, very literal interpretation, and, in

1 general, just seemed more -- everyone should practice, I guess.
2 Just more strict in practicing the religion than kind of people
3 that we'd say are modernist or other people. So we were kind
4 of that mindset.

5 Then there was -- this is kind of a worldwide type of -- I
6 don't know if you want to call it a movement or a mindset or
7 something. But at some point, the group itself differed and
8 split off. I remember Ahmad was kind of describing that we
9 were kind of the Salafi-Jihadis now, which is, like, the same
03:44 10 thing as Salafis. But there was a group -- we kind of referred
11 to them as the Madkhalis. We kind of separated them saying
12 that they kind of gave up calling the rulers, making takfir,
13 calling the rulers apostates. And it kind of gave up the whole
14 Jihad idea. Since we're a Salafi-Jihad, we believe in the
15 Salafi mindset as well as participating in Jihad.

16 Q. There was a lot there. Although the jury has heard some
17 of it, let me try to break it down just a little bit. You
18 would characterize yourself in 2000, 2001, as a so-called
19 Salafi?

03:44 20 A. Yes.

21 Q. Then you also described that, internationally, that term
22 took on different meaning and more subtleties over the last ten
23 years or last eleven years?

24 A. I don't think the term did but the movement itself. There
25 was -- people would talk about it, and then at some point

1 they'd kind of split. Both sides call themselves Salafis, but
2 then one -- the group we were in would call other people
3 Madkhalis, referring to kind of the spearhead of the movement
4 in Saudi Arabia where they -- we saw them not fulfilling the
5 Jihad obligation.

6 Q. So there were subgroups essentially within the Salafi
7 movement?

8 A. I don't know if we call it a subgroup. It would be more
9 of a division.

03:45 10 Q. Different perception of what Salafi meant?

11 A. Yes.

12 Q. You called that Madkhali?

13 A. Yes.

14 Q. If I spell that, M-a-d-h --

15 A. K-h.

16 Q. -- k-h-a-l-i?

17 A. Yes.

18 Q. And that was more aligned to the scholars in Saudi Arabia?

19 A. There was one scholar in particular. His name was
03:46 20 Madkhal, so Madkhali. They'd kind of follow them. That's why
21 we'd attribute that term to him. That's kind of a worldwide
22 term as well.

23 Q. Then there was your mindset, which was the Salafi but
24 still believes in Jihad?

25 A. Yes.

1 Q. What would you call yourselves?

2 A. Like I said in -- Ahmad at one point said Salafi-Jihadis.
3 We kind of used that term. Even on the forum, sometimes I'd --
4 we've heard of people, if they're an S.J. or not, if they're of
5 that mindset or not.

6 Q. So it's abbreviated as S.J.?

7 A. Yes.

8 Q. Given what your mindset was, before you went to Jordan,
9 would you have interactions with and did you have a friend
03:46 10 group that was outside of the Salafi mindset?

11 A. In what -- like in -- can you repeat the question?

12 Q. Did you have friends who were not Salafi Muslims?

13 A. Yes, I did.

14 Q. When you returned from Jordan, did you also continue to
15 have friends who were non-Salafi Muslims?

16 A. Yes, but not on the same level as the defendant and Ahmad
17 Abousamra and Hassan.

18 Q. You had a much stronger relationship with the people in
19 your inner circle?

03:47 20 A. Yes.

21 Q. All right. So right outside of your inner circle, you
22 described that there were some other people who you sometimes
23 would hang out with but wouldn't discuss on a more substantive
24 level issues like Jihad, is that right?

25 A. Yes.

1 Q. Who were some of those people?

2 A. Muhammad Serageldin; Karim Serageldin, his brother. There
3 was another guy, I think, Tanqir, Tanvir. I'm not exactly
4 sure. There were a few -- there were a few other people that
5 -- part of the South Shore community. I would see them at,
6 like, Tarek's house, but I'm not that familiar with them.

7 Q. Amongst those people, how would your relationship differ
8 between when you discussed Jihad with the defendant and
9 Abousamra and those people?

03:48 10 A. I can remember that we -- like, they'd show Jihad videos
11 when the other people were around, but you wouldn't, like,
12 specifically talk about, you know, where someone can go --
13 like, where the camps are, how someone would go to it, how
14 someone would participate in it and kind of voice that desire.
15 That's something that we eventually wanted to aspire to.

16 Q. Did each of you, the three of you, each manifest that
17 desire?

18 A. Yes.

19 Q. I'm going to fast-forward a little bit and go to 2003. So
03:48 20 you returned from Jordan in the middle of 2002. But in the
21 next year, do you remember when the U.S. forces went into Iraq?

22 A. Yes.

23 Q. Do you remember that was around March of 2003?

24 A. Yes.

25 Q. Describe your group, the three of you; describe what you

1 discussed before the Iraq invasion.

2 A. So prior to the Iraq invasion, we -- at least for the
3 defendant and I, we talked -- I don't know where to start with
4 the story. We talked about Jihad, like, the different Jihads
5 that were happening around the world: the one in Kashmir and
6 the one in Chechnya. But we never really saw them as something
7 that we wanted to do. I was saying -- this is more for the
8 defendant and me because Ahmad actually went to Pakistan
9 looking for -- trying to join a camp in Pakistan.

03:49 10 Q. Pause there just to orient the jury. I skipped over most
11 of 2002. You just testified that in 2002 you learned that
12 Abousamra actually went to Pakistan, is that correct?

13 A. Yes.

14 Q. So continue on.

15 A. So prior to the Iraq invasion, we were -- we were kind of
16 still -- we had, like, a desire. I don't know if you call it a
17 remote desire, but we had some kind of desire to participate in
18 Jihad. But it wasn't, at least for me and I believe the
19 defendant, we didn't really -- we weren't taking active steps
03:50 20 to pursue that.

21 Q. And then as the war effort began in 2003, did that change?

22 A. Yes.

23 Q. How so?

24 A. So after the war in Iraq -- first of all, I don't say this
25 -- I believe everyone -- I don't want to say too much. I

1 believe that -- at least I'll say it's my beliefs. So we saw
2 that the war in Iraq, there wasn't really a purpose for it.
3 There wasn't a reason for it. There was no -- we didn't see
4 any kind of justification besides it being another war on a
5 Muslim country, just kind of -- just yet another kind of
6 affront to the Muslim nation, that the U.S. is again attacking
7 a Muslim nation without any kind of justification or valid
8 reason.

9 So it got our -- it kind of set it off for us saying that
03:51 10 now -- you know, we need to do something now. It's obvious
11 that it -- before, you can say that they were trying to -- U.S.
12 was trying to get back at Osama bin Laden in Afghanistan. But
13 now with this war in Iraq against another Muslim country, okay,
14 this is a war against Islam. This is something that -- we have
15 to go and defend our faith.

16 Q. The three of you had those conversations?

17 A. Yes.

18 Q. You all agreed with that?

19 A. Yes.

03:51 20 Q. When you said, "We have to do something," what did you
21 mean?

22 A. Participate in Jihad against the U.S.

23 Q. Now, when you had these types of conversations in 2003,
24 were there ever efforts to shield the conversations from other
25 people?

1 A. Yes.

2 Q. Why?

3 A. It was -- I guess we didn't want to draw more attention to
4 ourselves.

5 Q. When you were in groups with your outer circle of friends,
6 did you cease talking about these types of plans?

7 A. We wouldn't discuss the plans at all.

8 Q. Now, leading up to 2003, how did you know what the
9 defendant and Abousamra's views were on the issue of needing to
03:52 10 do something?

11 A. It's something we discussed as a group. We had
12 conversations about it. We discussed the different ways people
13 could get into Iraq, the different training camps. We
14 discussed in depth on details like how we would go about doing
15 it.

16 Q. Did you discuss particular avenues of how you could enter
17 Iraq?

18 A. Yes.

19 Q. Do you remember any of those discussions?

03:53 20 A. Yeah. I remember in this one particular conversation I
21 had with the defendant that -- I remember it was at a Papa
22 Gino's. I had -- I looked at the map. I kind of saw how the
23 layout of Iraq was in terms of the neighboring countries. We
24 sat down at Papa Gino's. We were -- I drew up the map. We
25 were talking about the possible countries people could use to

1 get in there, the pros and cons of going in through Iran, which
2 is probably not a good idea; Turkey, once again, not a good
3 idea. We talked about Jordan as being probably the best
4 option. But that was a specific conversation I remember.

5 Q. Now, in addition to potentially going to Iraq, were there
6 other discussions that you had with the defendant and Abousamra
7 with regards to other things that you could do?

8 A. Yes.

9 Q. Like what?

03:53 10 A. So the -- we -- to put it in context, after the invasion
11 of Iraq, we were very, I guess, reverent to trying to do
12 something. We felt our blood boiling. We wanted to do
13 something. We weren't seeing any way to get into Iraq or
14 participate on that front. So we did discuss doing something
15 domestically.

16 Q. Before we get to that, why couldn't you find any way to
17 get into Iraq? Why couldn't you think of any way to get into
18 Iraq when you first started talking about it?

19 A. We didn't know anybody that -- initially, we didn't have
03:54 20 any contacts that could help us with that. It's more kind of
21 -- we didn't know of anybody -- we didn't know how to get to a
22 training camp that could help us get there. Our only other
23 option was basically crossing a desert and trying to cross over
24 the border and try to find something there. So we didn't see
25 that as a viable option.

1 Q. You mentioned at some point you contemplated domestic
2 attacks?

3 A. Yes.

4 Q. Why did you contemplate domestic attacks?

5 A. It was a way to kind of fill our duty, I guess, in
6 defending the Muslims and participating in Jihad.

7 Q. Even though it wasn't in Iraq, you still justified it?

8 A. It was against the U.S., we kind of saw it, at war with
9 Islam.

03:55 10 Q. Did you have discussions about the justifications for it?

11 A. Yes. We had discussions about the justification of what
12 specifically?

13 Q. About potential domestic attacks.

14 A. Yes.

15 Q. What was the -- recount those conversations the best you
16 can.

17 A. I mean, there's -- the September 11th attacks were, you
18 know, against a civilian target. So kind of leading up to
19 that, we talked about those before and how it was justified
03:55 20 seeing that they're taxpayers. Theirs dollars are contributing
21 to the things, the democracy, the people they elect. They're
22 kind of responsible for the same type of -- the actions of
23 their leaders. And also it's kind of a tit-for-tat thing.
24 They were killing Muslim civilians all over the world. It's
25 kind of -- it's okay. It's the same kind of justification.

1 Specifically, I remember, when we came down to domestic things,
2 it came up if you're allowed to targets civilians or not.

3 Q. What was the discussion about that?

4 A. Well, it was whether we could or not. I remember Ahmad
5 bringing some examples of how it's okay based on if you have,
6 like, mixed in with the troops or something like that, that
7 it's kind of okay and kind of extrapolating things. I forget
8 all of the things he said at the time but it was just kind of
9 bringing -- it was a justification, that it's okay to do it.

03:56 10 He justified it. I mean, I don't remember exactly the
11 evidences that he brought.

12 Q. Did you and the defendant express reservations about that?

13 A. The fact that we were having a discussion debating it, we
14 did have some reservations about it. It required Ahmad to
15 convince us.

16 Q. Did you ultimately consider specific types of attacks?

17 A. Yes.

18 Q. Like what?

19 A. The specific ones, we considered doing, like, a mall
03:57 20 shooting, and we discussed attacking Hanscom Air Force Base,
21 and we had some very brief conversations on some of the
22 political leaders of the country.

23 Q. So let me start with those because it doesn't sound like
24 those were much for plans. What did you discuss -- first,
25 let's situate the time frame. Is this all in 2003?

1 A. Yes.

2 Q. Start with the political figures, so to speak. Who did
3 you discuss as potential justifiable targets?

4 A. We discussed the then Attorney General Ashcroft and
5 Condoleezza Rice.

6 Q. Why them?

7 A. They were kind of the big mouthpieces for the -- what we
8 kind of saw as the war on Islam.

9 Q. Do you remember who you talked about a potential attack on
03:58 10 Attorney Ashcroft with?

11 A. The defendant and Ahmad Abousamra.

12 Q. And with Condoleezza Rice, who at the time, do you
13 remember what her position was?

14 A. With Condoleezza Rice?

15 Q. Yeah.

16 A. This was -- the basis of the conversation was just me and
17 Ahmad were waiting for the defendant. Ahmad just had a piece
18 of paper saying Condoleezza Rice was coming to Boston. Just
19 imagine if somebody shot her. And I kind of looked at him and
03:58 20 said, Okay. Imagine it. And that was the end of that
21 conversation.

22 Q. So there was no action on that at all?

23 A. No.

24 Q. It was just an expression of desire, I guess?

25 A. Correct.

1 Q. So recount the John Ashcroft conversation.

2 A. Once again, I would characterize it the same. We just
3 talked about -- I guess, if you want to use the word fantasize.
4 Just saying -- I think he was a religious man. We said we
5 could kind of get him at church and describe how that would be.
6 But nobody took any action on that either.

7 Q. The defendant was part of that conversation?

8 A. Yes.

9 Q. Now, aside from those conversations, you mentioned a
03:59 10 shopping mall.

11 A. Yes.

12 Q. So describe your conversations about the shopping mall.

13 A. We just discussed it as kind of -- as a way to kind of
14 create terror. That was the goal. So we discussed how we'd --
15 in general, just, like, how it would go. We didn't discuss any
16 -- to the best of my knowledge, we didn't discuss any specific
17 locations or anything. We were just saying, someone would go
18 on one side, and we would have somebody on the other exit. We
19 discussed possibly who we could possibly recruit for it.

04:00 20 Q. Let me stop you. So you're actually talking about an
21 attack on a shopping mall -- within a shopping mall, I should
22 say?

23 A. Yes.

24 Q. The attack that was designed to create terror?

25 A. Yes.

1 Q. Was there any reason why you chose that as a target?

2 A. I don't recall.

3 Q. Just something that the three of you contemplated?

4 A. Hassan was involved in at least one of those
5 conversations.

6 Q. How many times did you talk about this?

7 A. Two, maybe three times.

8 Q. Over how long of a period of time?

9 A. It was probably all within a couple of weeks.

04:00 10 Q. Okay. You were discussing the potential logistics of the
11 attack?

12 A. Yes.

13 Q. Continue.

14 A. It was just what I said about how we'd have people going
15 from one end, maybe have some other people on the other end,
16 you know, whether we could get guns or not, and what we would
17 do when the first responders showed up.

18 Q. Did you discuss recruiting other people to help you?

19 A. Yes.

04:01 20 Q. Who else did you think of?

21 A. The only person I can remember we mentioned, we said we
22 might be able to talk to Muhammad Serageldin and get him on our
23 side. The only people we were sure of were us four.

24 Q. How long were these conversations, approximately?

25 A. I don't recall exactly. They weren't -- I don't believe

1 we spent hours on it, so --

2 Q. But it was longer than the conversations you had about the
3 political leaders?

4 A. Yes.

5 Q. What did you expect to happen during the attacks?

6 A. At some point, we expected the police to show up.

7 Q. And what was your --

8 A. We kind of discussed if we want to -- we didn't want to
9 spend the rest of our lives in jail. So we kind of -- I guess,
04:01 10 "go out blazing" would be -- I don't know if we used that exact
11 term, but the idea was to try to get killed in the process.

12 Q. Was there any significance to dying during an attack?

13 A. It was just -- dying for the -- while fighting Jihad,
14 you're considered a martyr.

15 Q. This would be considered as an act of Jihad?

16 A. Yeah.

17 Q. Okay. Now, as part of your discussion about the shopping
18 mall, did you discuss potentially obtaining guns?

19 A. Yes.

04:02 20 Q. What kinds of guns did you discuss obtaining?

21 A. We didn't specifically discuss. We just knew we wanted
22 guns, but we didn't know much about it.

23 Q. So did you agree to do something?

24 A. We agreed to -- the only person we knew that -- from our
25 friends was Dan Maldonado, who we knew was a former gang

1 member. We knew he had a gun. He showed it to us before. So
2 we knew that, if anybody could get us guns, it would be him.
3 So we agreed to check with him to see if he could provide guns.

4 Q. Do you know where Dan Maldonado lived?

5 A. He lived in Southern New Hampshire.

6 Q. You're the only one -- or you were living on the North
7 Shore at that time?

8 A. Yes.

9 Q. And so did you agree to go visit Mr. Maldonado?

04:03 10 MR. CARNEY: I would ask the prosecutor not lead the
11 witness, please.

12 THE COURT: Sustained.

13 Q. What happened after that?

14 A. So someone had to talk to Dan Maldonado. Like I said
15 before, they were both kind of on the southern part of
16 Massachusetts, what I considered the South Shore, far away from
17 me. I lived on the North Shore. I worked in the Merrimack
18 Valley. I was closer to him. I suggested to go see him, that
19 I go talk to him, for the reason being closer to him and also
04:04 20 kind of show my -- that I was part -- I was accepting of the
21 plan.

22 Q. Why did you feel the need to show that you were accepting
23 of the plan?

24 A. By that time, I knew that Ahmad and Tarek had grown
25 closer. I was just trying to show that I was as committed as

1 they were.

2 Q. So what did you do?

3 A. I went and I saw Dan Maldonado.

4 Q. Where?

5 A. At his house.

6 Q. Where was that?

7 A. Southern New Hampshire. I don't remember exactly which
8 town.

9 MR. CHAKRAVARTY: Exhibit 752.

04:04 10 Q. Do you recognize that person?

11 A. Yes. That's Dan Maldonado.

12 Q. Was this how he looked back then?

13 A. Yup.

14 Q. Describe your interaction with Mr. Maldonado.

15 A. In general or --

16 Q. Sorry. Specifically with regards to the shopping mall.

17 A. I went to see him at his house.

18 Q. When did you see him at his house?

19 A. It would have been in 2003, the end of 2003.

04:05 20 Q. How long after your conversations with the defendant and
21 Abousamra about this plan?

22 A. I don't recall exactly. It would have been -- I don't
23 recall exactly.

24 Q. Okay. Continue. So describe the interaction with Mr.
25 Maldonado.

1 A. So I went to him, and I asked him if he could -- I just --
2 asked if he could get us guns. The way he explained it, he
3 could probably get us some handguns. He said, You don't want
4 to get caught with them. They have bodies on them. When I
5 asked him what that meant, he meant they had been used in a
6 crime previous to that. So if you get caught with the guns,
7 you're kind of going -- it's not good because they already have
8 been used in a crime. I told him it wasn't a problem.

9 I asked if he could get us any automatic weapons or -- I
04:05 10 forget exactly how the conversation came up, but he said that
11 he could only get us handguns. So I asked him how does that --
12 I didn't know anything about guns. I asked him, How does that
13 work? How do you load them? How many bullets do they hold?,
14 and that kind of information.

15 Q. Did he ask you why you wanted these guns?

16 A. I forget if he asked me why. I do remember at some point
17 I told him, It's better that you don't know. I don't know if
18 it's something I volunteered or it was something that he asked.

19 Q. How did you know Mr. Maldonado?

04:06 20 A. He was part of the mosque I went to. But I forget how I
21 met him, if I met him through someone else or if I met him
22 through a common friend or through the mosque. I don't recall
23 exactly how I met him.

24 Q. So in 2003, how frequently would you see him?

25 A. Not that often. He was -- he was farther away than we

1 were. I remember going to his house once for dinner. I saw
2 him, you know, in total -- prior to 2004, I probably saw him a
3 total of less than ten times. I'd see him -- sometimes he'd
4 come down to where we were. We went to his place once. But,
5 in general, I wouldn't see him that often.

6 Q. What was his relationship, to your knowledge, with the
7 defendant and Abousamra?

8 A. He was -- the same kind of relationship that I had with
9 him. We were friends with him. We didn't consider him part of
04:07 10 the inner, inner circle. We kind of -- we trusted him to a
11 certain point.

12 Q. Why only to a certain point?

13 A. I remember when I went up to -- when I said I was going to
14 go see him that Ahmad told him, Don't tell him anything. I
15 said, Why not? He said that he's still -- he's an American
16 convert. He hasn't been -- I guess, he's not one of us or --
17 he just said, He's American. He's a convert so we can't trust
18 him completely.

19 Q. Do you know what his views were about Jihad at that time?

04:08 20 A. I believe we -- like I said, he was -- if you wanted to
21 say, in between our inner circle and the next one out, he was
22 very close to it. But at the time I didn't, and I don't
23 believe we did at all prior to 2004, trust him with all the
24 details. We wouldn't trust him with all the details, but we
25 believed him to be of kind of the same persuasion.

1 Q. How long did you meet with Maldonado to get the guns?

2 A. Probably 10 minutes, 10, 15 minutes. It wasn't a long
3 conversation.

4 Q. At some point later, did you regroup with the defendant
5 and Abousamra?

6 A. Yes.

7 Q. And discuss what happened?

8 A. I just told them that the only guns he could get would be
9 handguns. They don't hold any bullets. It's a pain to reload
04:08 10 them. Probably not going to work. We collectively said -- we
11 just kind of dropped it.

12 Q. All three of you agreed that it wasn't going to work?

13 A. Correct.

14 Q. You also mentioned Hanscom Air Force Base.

15 A. Yes.

16 Q. What did the three of you discuss about Hanscom Air Force
17 Base?

18 A. We just discussed somewhat of a -- less in detail, but we
19 discussed how we would -- how an attack would take place
04:09 20 against the base. We felt that more of a kind of a legitimate
21 target. I think it all sat better with us that it was a
22 military installation, not a shopping mall with civilians. So
23 we just talked about they have a guard shack in the beginning.
24 Then after that, we could kind of get into the base.

25 Q. Were you familiar -- had you been to the base before?

1 A. Yes.

2 Q. What was your familiarity with the base?

3 A. Back in, I believe, 1998, 1999, I took a motorcycle
4 driving course there.

5 Q. Did you discuss any challenges with regard to this
6 operation like you did with the shopping mall?

7 A. I believe this was just this one conversation we had. We
8 just kind of discussed, like I said, not in the same level of
9 detail, but we did discuss that there would be guards in the
04:10 10 beginning, and then after that it's -- you kind of have free
11 access to the base.

12 Q. With regards to all of these plans, did you -- aside from
13 what you've testified to, did you take it to a higher level
14 where you actually were going to engage in the attack?

15 A. No.

16 THE COURT: Mr. Chakravarty, if you're about to move
17 to a different topic, it's 1:00. I think this is an
18 appropriate place for the break. We'll recess and resume
19 tomorrow at 9, jurors.

04:11 20 (Whereupon, at 1:00 p.m. the trial recessed.)

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C E R T I F I C A T E

We, Marcia G. Patrisso, RMR, CRR, and Cheryl Dahlstrom, RMR, CRR, Official Reporters of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of our skill and ability, a true and accurate transcription of our stenotype notes taken in the matter of Criminal Action No. 09-10017-GAO-1, United States of America v. Tarek Mehanna.

/s/ Marcia G. Patrisso
MARCIA G. PATRISSE, RMR, CRR
Official Court Reporter

/s/ Cheryl Dahlstrom
CHERYL DAHLSTROM, RMR, CRR
Official Court Reporter

Date: November 28, 2011